

CM/ECF
(Case Management/Electronic Case Files)
User Manual
and
Administrative Procedures



United States District Court
District of South Dakota

4/7/2017

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1. CM/ECF BASICS

INTRODUCTION

The United States District Court for the District of South Dakota utilizes a comprehensive system called Case Management/Electronic Case Files (CM/ECF) to maintain electronic civil and criminal case files and offer electronic filing. With some exceptions, attorneys are required to electronically file (e-file) their civil and criminal case documents in CM/ECF. Attorneys and the public can access these documents and other case information stored in CM/ECF over the internet utilizing Public Access to Court Electronic Records (PACER), an electronic public access service, or at the public access terminals located in the clerk's offices.

This CM/ECF User Manual and Administrative Procedures (user manual) is intended to provide the information necessary for an attorney (or other authorized filer) to e-file case documents, access case documents and other information stored in CM/ECF, and manage his or her CM/ECF account. This user manual is referenced in the local rules of practice of this district court.

All of the federal courts, including this district court, are in the process of transitioning from CurrentGen CM/ECF to NextGen CM/ECF, the latest iteration of CM/ECF. NextGen CM/ECF will provide attorneys with a new interface for accessing CM/ECF and allow attorneys to use one login and password to access documents and other information stored in CM/ECF and to e-file documents in several different federal courts. Currently, attorneys are required to maintain a PACER account to access case documents and other information stored in CM/ECF and separate additional CM/ECF accounts to e-file documents in different federal courts, each requiring a separate login and password. The United States District Court for the District of South Dakota anticipates transitioning from CurrentGen CM/ECF to NextGen CM/ECF in late 2017 or early 2018. Some courts, including the United States Court of Appeals for the Eighth Circuit, have already transitioned to NextGen CM/ECF.

HOW ELECTRONIC FILING WORKS

Filers can electronically file civil and criminal case documents 24 hours a day, seven days a week, over the internet, with no additional filing fees. Filers can file case documents from their offices or homes right up until a filing deadline without worrying about postage, messenger services, weather problems, or traffic congestion.

Generally, to e-file, filers create their documents on their computers just as they normally do. Instead of printing their documents on paper, however, filers save their documents in portable

document format (PDF). Filers then access CM/ECF via the internet using a web browser. After establishing his or her identity by providing a court-assigned login and password, the filer indicates the case number a particular document applies to, the party the document is being filed on behalf of, and the type of document (motion, response, etc.) being filed. The document is then sent over the internet to the district court's computer server which immediately sends a receipt back to the filer's computer screen verifying the document has been received. When the document is received by the district court's computer server, CM/ECF automatically creates a docket entry for the document and makes both the updated docket sheet as well as the document itself instantly available for viewing by anyone with internet access. When the document is received, CM/ECF also immediately sends e-mail notification of the filing to each of the participants involved in the case who are set up to receive electronic notice.

HARDWARE AND SOFTWARE REQUIREMENTS

Filers need the following hardware and software to electronically file documents in CM/ECF:

- A computer running a standard operating system such as Microsoft Windows. Microsoft Windows is the only operating system supported by the CM/ECF Help Desk.
- Word processing software. A word processing program that can convert documents created using that program into portable document format (PDF) is recommended. CM/ECF is designed to accept only documents in PDF format.
- Internet service.
- A JavaScript-enabled web browser. The latest versions of Microsoft Internet Explorer and Mozilla Firefox are recommended.
- Adobe Acrobat or other PDF writer software for converting documents from word processing format into portable document format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it allows an electronically filed document to retain its original pagination and formatting regardless of what type of computer is used to look at the document or print the document.
- Adobe Acrobat Reader or other PDF viewer software for viewing documents in PDF format. Adobe Acrobat Reader is the most widely used PDF viewer and is available for free.
- A scanner for converting documents not already in PDF format into PDF format.
- A CM/ECF account with a login and password issued by this district court for electronically filing documents in CM/ECF.

- A separate PACER account with a login and password issued by the PACER Service Center for accessing documents and other case information in CM/ECF.
- An e-mail account for receiving electronic notice of documents filed in CM/ECF.

MANDATORY E-FILING

Except for the documents listed in the [EXCEPTIONS TO MANDATORY FILING](#) section of this user manual, attorneys are required to register with CM/ECF and electronically file all of their case documents with this district court and receive electronic notice of documents filed in their district court cases. This includes nonresident attorneys authorized to represent the United States pursuant to D.S.D. Civ. LR 83.2(F) and D.S.D. Crim. LR 44.1(F). For good cause, individual attorneys may be granted an exemption from these requirements. A [CM/ECF Attorney Registration Form](#) is available on the district court's website

Attorneys admitted pro hac vice may not sign or electronically file case documents with the district court, however, pursuant to D.S.D. Civ. LR 5.1 and D.S.D. Crim. LR 49.1 they are still required to register with CM/ECF for the purpose of receiving electronic notice of documents filed in their district court cases. Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E), local counsel must sign and file all case documents.

Non-prisoner pro se parties may also be allowed to electronically file case documents and/or receive electronic notice of documents filed in their district court cases. A [Pro Se Litigant Application Form](#) is available on the district court's website.

EXCEPTIONS TO MANDATORY E-FILING

Electronic filing is not allowed in *sealed* cases, including criminal cases involving juvenile defendants.

The following types of *documents* are also excluded from mandatory electronic filing in *unsealed* cases:

- Criminal charging documents;
- Civil case initiating documents;
- Sealed documents and attachments in civil cases;
- Sealed documents and attachments in criminal cases—except for some sealed sentencing-related documents that must be e-filed. For a list of the sealed sentencing-related documents that must be e-filed in CM/ECF, see the [SEALED DOCKET ENTRIES](#) and [SEALED DOCUMENTS](#) sections of this user manual; and
- Motions to seal (and the subject of the motion) in civil and criminal cases.

The original above-listed types of documents that cannot be e-filed must be manually filed with the Clerk's Office. Copies of these documents must also be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

Documents containing a criminal defendant's original signature must be electronically filed. In the past, these documents were excluded from mandatory electronic filing. As of December 1, 2015, these documents are no longer excluded.

IMPORTANT

Documents *manually* filed with the Clerk's Office must contain the filer's actual ink signature.

REGISTRATION AND TRAINING

To access CM/ECF to electronically file court documents, filers are issued a login and password for a CM/ECF account with this district court. To obtain a login and password, attorneys must register with CM/ECF by completing a [CM/ECF Attorney Registration Form](#) and be trained on how to e-file documents in CM/ECF. Registration may be waived for good cause. Training may also be waived for attorneys who have previously received training in another district court or in bankruptcy court in the District of South Dakota. Attorneys who are admitted pro hac vice are not issued a login and password for a CM/ECF account because they cannot electronically file documents in this district court.

Some non-prisoner pro se parties may also be issued a login and password to electronically file court documents in CM/ECF. To apply for a CM/ECF login and password, a pro se party must complete a [Pro Se Litigant Application Form](#).

Attorneys *joining* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are required to register for a secondary CM/ECF account if they already have a CM/ECF account and have previously practiced before this district court. Similarly, attorneys *leaving* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are also required to register for a secondary CM/ECF account if they intend to continue practicing before this district court.

Except as noted above, attorneys do not need to register for a CM/ECF login and password more than once. When an attorney changes law firms, his or her CM/ECF login and password remain the same.

CM/ECF account holders are required to keep the e-mail addresses associated with their CM/ECF accounts up-to-date. When a CM/ECF account holder's other contact information

changes, particularly his or her mailing address, the account holder must submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office.

CM/ECF account holders may not knowingly permit their CM/ECF login and password to be used by anyone other than an authorized agent. Account holders must protect the security of their CM/ECF login and password and immediately notify the Clerk's Office if they suspect their password has been compromised. Failure to do so may result in sanctions by the court.

PACER

Public Access to Court Electronic Records (PACER) is an electronic public access service available via the internet through the [PACER Service Center](#). PACER allows users to remotely access case documents and other information filed in any federal district court, bankruptcy court, or appellate court as soon as the documents or case information are entered into the local court's CM/ECF system. Documents and case information are available through PACER 24 hours a day, 7 days a week, including weekends and holidays, to multiple users at the same time. Documents are also available at the public access terminals located in the clerk's offices in Sioux Falls, Rapid City, and Pierre.

A CM/ECF account holder in this district court is required to have a PACER account. A PACER account is necessary to look at certain types of documents entered in CM/ECF. Criminal Justice Act (CJA) panel attorneys should register for two PACER accounts, including a fee exempt account for doing CJA work. Attorneys logged into PACER with a fee exempt account must make sure they are *only* doing legitimate CJA work. Fee exempt usage is closely monitored and CJA panel attorneys who use their fee exempt PACER account for other than legitimate CJA work may have access to their account revoked.

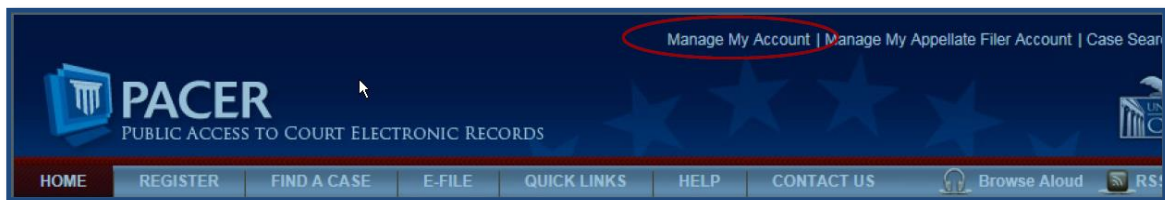
Access to case information (other than fee-exempt information) via PACER costs ten cents per page. PACER access fees are capped at \$3.00 per document. This cap does not apply to name searches, reports that are not case-specific, and transcripts of court proceedings. For billing purposes, each attachment to a main document is considered a separate document. The PACER Service Center bills quarterly, but PACER access fees are waived when fees total less than \$15 per quarter.

There is no charge for looking at documents at the public access terminals located in the clerk's offices in Sioux Falls, Rapid City, and Pierre. However, there are fees associated with printing documents at the public access terminals located in the clerk's offices. The Clerk's Office cannot make change so exact change is required when paying for printed documents.

When the United States District Court for the District of South Dakota is ready to transition from CurrentGen CM/ECF to NextGen CM/ECF, CM/ECF account holders will be required to

upgrade their PACER accounts. Following the transition, approved CM/ECF account holders will be able to use their upgraded PACER accounts to access case documents and other information entered in CM/ECF and e-file documents in this district court and any other federal court that has already transitioned to NextGen CM/ECF using a single login and password. In other words, filers will no longer be required to maintain a PACER account to access case documents and other information stored in CM/ECF and separate additional CM/ECF accounts to e-file documents in different federal courts. This new functionality is known as Central Sign On.

To upgrade your current PACER account now, go to the [PACER Service Center](#) website and click on **Manage My Account** at the top of the home page.



Your upgraded PACER account will have new security features, including a self-service login retrieval and password reset feature. This feature requires that your upgraded account has a valid e-mail, security questions and answers, and a date of birth on file.

Although only attorneys and approved pro se parties can acquire a CM/ECF account for electronically filing documents, anyone can register for a PACER account to access case documents and other information stored in CM/ECF. To register for a PACER account or to obtain more information about PACER go to the [PACER Service Center](#) website or call the PACER Service Center at 1-800-676-6856.

IMPORTANT

Although PACER access fees apply when accessing documents and other case information stored in CM/ECF, no fees apply when electronically filing documents in CM/ECF.

FORMATING PDF DOCUMENTS FOR E-FILEING

All documents electronically filed in CM/ECF must be in PDF format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it makes all documents viewable in their original format on any type of computer regardless of whether the documents were scanned or created using word processing software.

Documents created using word processing software can easily be converted to PDF. Other documents not converted to PDF must be scanned to PDF. When there is an option of scanning

or converting a document to PDF, it is best to convert the document because converted documents are usually smaller and automatically have Optical Character Recognition (OCR) functionality. OCR functionality is desirable because documents with OCR functionality can be searched for words and phrases and sections can be highlighted and/or copied. In addition, CM/ECF has certain size limitations and converted documents are generally smaller.

How to Convert a Document to PDF

Converting a document created using Microsoft Word can be done by saving or printing the document to PDF in one of the following ways. (These steps may vary depending on the version of Microsoft Word.)

Steps for Saving a Document to PDF:

- Open the document to be converted;
- Click the **File** tab;
- Select **Save As** from the list of options;
- Select a location for the new PDF document to be saved;
- In the **Save as type** box, select **PDF (*.pdf)** from the drop-down list;
- Name the new PDF document (the file type will default to .pdf); and
- Click the **Save** button. The new PDF document will be saved in the selected location under the new PDF file name. The original document will remain open on the screen.

Steps for Printing a Document to PDF:

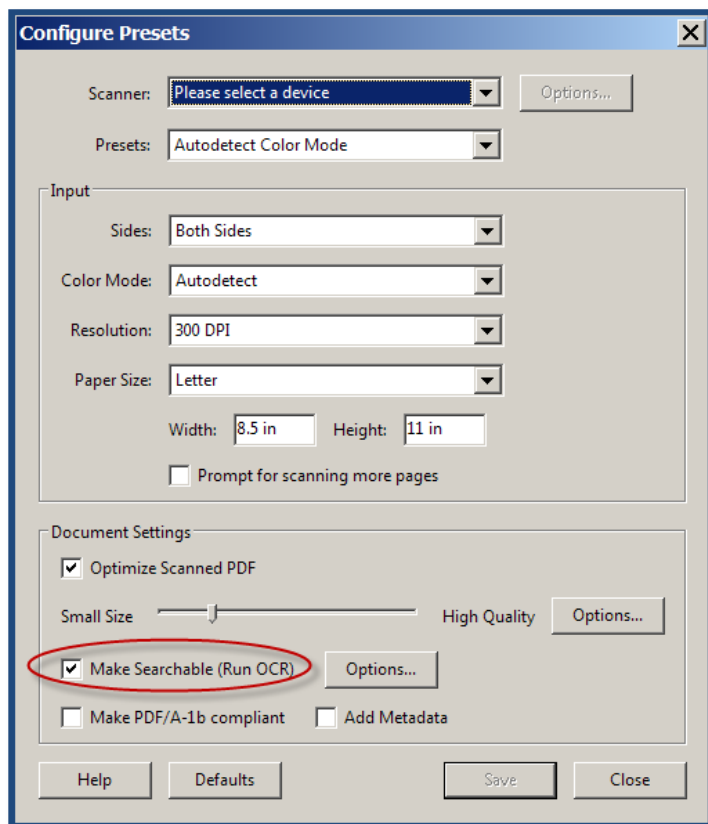
- Open the document to be converted;
- Click the **File** tab;
- Select **Print** from the list of options;
- Click on the **Printer** drop-down list and select Adobe PDF (or another Adobe PDF converter);
- Click the **Print** button;
- Select a location for the new PDF document to be saved;
- Name the new PDF document (the file type will default to .pdf); and
- Click the **Save** button. The new PDF document will be saved in the selected location under the new PDF file name. The original document will remain open on the screen.

How to Scan a Document to PDF so that it has OCR Functionality

Scanned documents should have OCR functionality so they can be searched for words and phrases and sections can be highlighted and/or copied. Documents can be scanned to PDF so they have OCR functionality using either a desktop scanner or a copier in the following ways:

Using a Desktop Scanner:

Documents scanned to PDF on a desktop scanner will have OCR functionality when the following **Make Searchable (Run OCR)** checkbox is checked:



To make sure this box is checked, follow these steps while in Adobe Acrobat. (These steps may vary depending on the version of Adobe Acrobat.)

- Click **File** on the menu bar;
- Click on **Create PDF** in the drop-down list;
- Click on **From Scanner** in the drop-down list;
- Click on **Configure Presets** in the drop-down list;
- Click the **Make Searchable (Run OCR)** box; and
- Click the **OK** button.

Using a Copier:

Documents that have been scanned to PDF on a copier will have OCR functionality when the following steps are taken while in Adobe Acrobat. (These steps may vary depending on the version of Adobe Acrobat.)

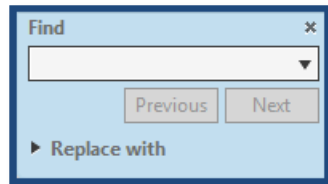
- Open the scanned PDF document in Adobe Acrobat;

- Click **Document** on the menu bar;
- Click on **OCR Text Recognition** in the drop-down menu;
- Select **Recognize Text Using OCR**; and
- Click the **OK** button.

How to Determine if a PDF Document has OCR Functionality

Documents electronically filed in CM/ECF should have OCR functionality. To determine if a PDF document has OCR functionality, follow these steps while in Adobe Acrobat. (These steps may vary depending on the version of Adobe Acrobat.)

- Open the PDF document;
- Hold down the Ctrl + F keys so the **Find** dialog box opens;



- In the **Find** dialog box, enter a known word or phrase in the document;
- Click on **Next** in the **Find** dialog box;
- If the word or phrase is highlighted in the document, the document has OCR functionality; and
- If the word or phrase is not highlighted, the document does NOT have OCR functionality.

Scanning, Best Practices

Documents scanned to PDF should have a minimum resolution of 300 ppi (pixels per inch). If a scanner is set to less than 300 ppi, documents may become illegible when they are later archived. If a scanner is set to more than 300 ppi, documents will be unnecessarily large. For information about the size limitations of PDF documents filed in CM/ECF, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Documents should be scanned in black and white. Documents should not be scanned in grayscale. Color documents, including, but not limited to color photographs and highlighted documents, can be scanned in color and electronically filed in CM/ECF. However, documents should not be scanned in color unless the court needs to see something in color. A document should NOT be scanned in color just because it was signed in blue ink.

Check documents for handwriting, marginalia, and other content that may not scan clearly. Consider making a copy of the document before scanning it to PDF to darken such content so that it is legible after it is electronically filed in CM/ECF.

Use white or light colored exhibit stickers to mark exhibits and attachments. Blue exhibit stickers often turn black when scanned and become illegible.

Consider requesting a deposition transcript in electronic format from a court reporter so that excerpts of the deposition do not need to be scanned before filing.

IMPORTANT

Filers are strongly encouraged to verify a document's content and legibility before e-filing it with the district court.

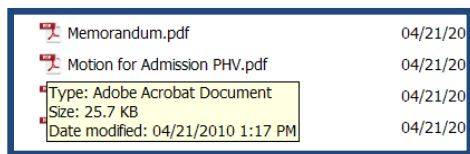
SIZE OF PDF DOCUMENTS

CM/ECF cannot accommodate filing PDF documents larger than the following:

- A *single* PDF document, either the main document *or* an attachment to the main document, cannot be larger than 12 megabytes (MB). Twelve megabytes (12MB) equals 12,288 kilobytes (12,288KB).
- A *merged* PDF document, including the main document *and* all of its attachments, cannot be larger than 40 megabytes (MB). Forty megabytes (40MB) equals 40,960 kilobytes (40,960KB).

If a *merged* PDF document is larger than 40MB when a filer tries to file it, the CM/ECF system may “timeout” and the filer will have to start the entire filing process over again with smaller documents.

To determine the size of a *single* PDF document, hover your mouse pointer over the PDF document file on your computer until a pop-up window appears. The window will contain information about the PDF document, including the size of the PDF document.



If a *single* PDF document is larger than 12MB, the filer should first check his or her PDF writer program to see if it has a feature that can automatically condense or reduce the size of the PDF document. If a *single* document is still too large after condensing or reducing it, it must be divided into two or more smaller parts. When possible, the document should be divided at logical places, such as between sections or chapters.

If a filer has already done everything possible to reduce the sizes of each *single* PDF document and a *merged* PDF document, including the main document and all of its attachments, still

exceeds 40MB, the *merged* document will have to be filed in CM/ECF during two or more transactions. Following are the steps involved in filing a document during multiple transactions.

Step	Action
1.	File the main document (e.g., Affidavit in Support of Motion) and as many attachments as possible (up to the 40MB threshold) using the appropriate event. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the previously-filed document (usually a motion) to which your document relates. This will create a link between these two related documents.
2.	File the main document (e.g., Affidavit in Support of Motion) AGAIN (or a placeholder if the main document is very large) and the remaining attachments using the Supplement event. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select <u>both</u> the original document to which your document relates AND the document filed in Step 1 above. This will create a link between these three related documents.
3.	If necessary, repeat Step 2. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the original document to which your document relates AND the documents filed in <u>both</u> Steps 1 and 2 above. This will create a link between these four related documents.

For more information about linking documents, see the [FILING OTHER DOCUMENTS](#) section of this user manual. For more information about events, see the [EVENTS](#) section of this user manual.

EXHIBITS AND OTHER ATTACHMENTS

All documents, including exhibits and other attachments, must also be scanned or converted to PDF and electronically filed in CM/ECF, unless they are excluded from mandatory filing or are items that cannot be scanned to PDF. For a list of the types of documents that are excluded from mandatory filing, see the [EXCEPTIONS TO MANDATORY FILING](#) section of this user manual. Items excluded from mandatory filing and items that cannot be scanned to PDF must be manually filed by delivering them to the Clerk’s Office with a cover sheet stating why they are being manually filed. Documents and items that are manually filed with the Clerk’s Office must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

Except for multiple letters of support or multiple victim impact statements filed in criminal cases and appendices to appeal briefs, exhibits and attachments must each be scanned or converted to PDF *separately* and *attached separately*. Multiple letters of support or multiple victim impact statements should be scanned to PDF as one document.

In addition to scanning or converting exhibits and attachments to PDF and attaching most of them separately (see exceptions above), exhibits and attachments must also be properly

described when they are electronically filed. “Exhibit A – Photo” and “Exhibit 2 – Letter signed by Shane Brown” are examples of properly described attachments. “Exhibit A” and “Exhibit 2” are examples of insufficiently described exhibits. For more information about describing exhibits and attachments, see the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#) and the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) sections of this user manual.

An appendix to an appeal brief should not be attached to the appeal brief. If possible, the entire appendix, including the table of contents, should be scanned as one document and electronically filed as the main document using the separate **Appendix** event. See the [Size of PDF Documents](#) section of this user manual for information about reducing the size of a PDF document. If the appendix is still too large to file as one document, it should be divided into smaller parts.

Color documents, including, but not limited to, color photographs and highlighted documents, can be scanned in color and e-filed as exhibits or attachments.

Excerpts of referenced documents that are directly germane to the matter under consideration by the court may be attached to a document filed in CM/ECF. Excerpted material should be clearly and prominently identified as such and highlighting or underlining of relevant portions is encouraged. Parties who file excerpts of documents do so without prejudice to their right to timely file additional excerpts. Responding parties may file additional excerpts they believe are directly germane. The court may also require parties to file additional excerpts or the complete document. When excerpts of deposition transcripts are attached to a document, excerpts of full-sized transcripts and not condensed transcripts should be utilized.

Any party moving to amend a pleading in a civil case must attach a copy of the proposed amended pleading to the motion to amend with the proposed changes highlighted or underlined so they may be easily identified.

Although there is no limit on the number of exhibits or other attachments a main document may have, CM/ECF does have size limitations. For more information about these size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

IMPORTANT

Remember to redact personal data identifiers from exhibits and other attachments. For more information about redacting documents, see the [REDACTING DOCUMENTS](#) section of this user manual.

EVENTS

“Events” are utilized in CM/ECF for electronically filing documents and creating docket entries on the docket in civil and criminal cases. Different events have been created for filing different types of documents and enable various case management functions to happen in the background.

It is important to select the correct event when electronically filing a document in CM/ECF. Selecting the wrong event can also have unintended consequences. For example, the Speedy Trial Act of 1974 sets forth time limits and procedures to minimize undue delay and promote the prompt disposition of criminal cases. When a motion for continuance is filed in a criminal case using the **Continuance Motion under 18:3161** event, the Speedy Trial clocks are stopped or “tolled” in the background. The Speedy Trial clocks are not tolled when a motion for continuance is filed using the **Motion to Continue** event. Therefore, if a defendant has NOT pled or been sentenced and Speedy Trial still applies, a motion for continuance should be filed using the **Continuance Motion under 18:3161** event so that the Speedy Trial clocks are automatically tolled. However, if a defendant has pled or been sentenced and Speedy Trial is no longer applicable, a motion for continuance should be filed using the **Motion to Continue** event so that the Speedy Trial clocks are not affected.

When electronically filing a specific type of document, it is best to use the most specific event available rather than a more generic event. For example, an amended complaint in a civil case should be e-filed using the **Amended Complaint** event rather than the more general **Amended Document** event.

Use the **Memorandum in Support of Motion** event and the **Memorandum in Opposition to Motion** event to electronically file a memorandum related to a motion. Do not use the **Brief** event for this purpose. Use the **Brief** events when directed to brief an issue by the court.

When electronically filing a sentencing memorandum that contains a motion for departure or a motion for variance it should NOT be filed using the **Sealed Sentencing Memorandum** event. Instead, it should be filed using either the **Sealed Motion for Departure** event or the **Sealed Motion for Variance** event. This ensures that the motion will appear on the court’s **Pending Motions Report** and be considered by the court.

For help selecting the correct event, see the [Civil Case Events List](#) and the [Criminal Case Events List](#) available on the district court’s website. Also see the [STEP-BY-STEP GUIDE FOR E- FILING A MOTION IN A CIVIL CASE](#) section and the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) section of this user manual. For additional help locating the correct event, click on the **Search** menu on the blue menu bar in CM/ECF. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

IMPORTANT

Contact the Clerk’s Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF if you are unsure about which event to use.

PAY.GOV

Pay.gov is a convenient way to make secure credit card payments directly to the United States Treasury via the internet. CM/ECF utilizes Pay.gov so that filers can pay certain court fees during the electronic filing process. The following events require the filer to pay the associated court fee utilizing Pay.gov:

Civil Events

- Motion for Admission Pro Hac Vice
- Notice of Appeal
- Notice of Appeal – Cross Appeal
- Notice of Appeal – Interlocutory

Criminal Events

- Motion for Admission Pro Hac Vice
- Notice of Appeal – Conditions of Release
- Notice of Appeal – Final Judgement
- Notice of Appeal – Interlocutory Appeal

During the e-filing process, a filer using one of these events will be presented with a Pay.gov payment screen so he or she can enter the credit card information necessary to pay the associated fee. The Pay.gov payment screen is similar to payment screens commonly seen by anyone making an online credit card purchase.

Occasionally, filers make inadvertent, duplicate, or erroneous credit card payments utilizing Pay.gov. These payments can be incurred as the result of using the wrong event, filing in the wrong case, etc. The Clerk's Office cannot void these payments. Attorneys seeking a refund must submit a written application in the form of a letter addressed to: Clerk, U.S. District Court, Attn: Administrative Services Unit, Finance Department, 314 S. Main Avenue, Suite 100, Sioux Falls, SD 57104. The letter must include the name, address, and telephone number of the party requesting the refund. Upon verification of the error, the district court's finance department will process the refund to the same credit card on which the erroneous payment was made. Refund checks will not be issued.

Filers can run an **Internet Payment History** report in CM/ECF at any time to see a list of all credit card payments they have made in CM/ECF utilizing Pay.gov during a specific period of time. For more information regarding this report, see the [Internet Payment History](#) section of this user manual.

For additional information about Pay.gov, see [Pay.gov for Attorneys](#) on the district court's website or go to the Pay.gov website located at www.pay.gov.

REDACTING DOCUMENTS

Pursuant to the E-Government Act of 2002 and in compliance with [Fed. R. Civ. P. 5.2](#), [Fed. R. Crim. P. 49.1](#), D.S.D. Civ. LR 5.2(A), and D.S.D. Crim. LR 49.1.1(A), parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the district court, including exhibits and other attachments, unless otherwise ordered by the court:

- Social Security numbers (SSN) and employer identification numbers (EIN). (Redact all but the last four digits.)
- Names of individuals known to be minors. (Use the minor's initials.)
- Dates of birth. (Redact all but the year.)
- Financial account numbers. (Redact all but the last four digits.)
- Home addresses in criminal cases. (Redact all but the city and state.)

Additionally, D.S.D. Civ. LR 5.1(B)(6), and D.S.D. Crim. LR 49.1(B)(6) require filers to completely redact website addresses from all filed documents that direct the court to websites containing personal data identifiers and/or pornography.

After electronically filing the redacted version of a document in CM/ECF, filers may manually submit an *unredacted* version of the document to the Clerk's Office for filing under seal. For information about filing unredacted documents under seal, see the [Unredacted Documents](#) section of this user manual.

Although not specifically required to be redacted, caution should be used when filing documents containing (1) personal identifying numbers, such as driver's license numbers, (2) medical records, including treatment and diagnosis, (3) employment history, (4) individual financial information, and (5) proprietary or trade secret information.

See, [Standing Order 2004-1](#) and [Public Notice – Notice of Electronic Availability of Case File Information](#) on the district court's website for more information about the E-Government Act of 2002. For more information about redacting documents, see the [REDACTION TIPS](#) section of this user manual.

IMPORTANT

Redaction is the sole responsibility of counsel and the parties. The Clerk's Office does not review documents for redactions.

IMPORTANT

Pay special attention to personal data identifiers contained in exhibits and attachments—they can be easily missed.

REDACTION TIPS

Documents that are incorrectly redacted may still contain unredacted personal data identifiers or other information. Filers should use extra care to make sure electronically filed documents are fully and completely free of information that should be redacted, including hidden data. Although documents may appear to be redacted, hidden data may still contain unredacted personal data identifiers. Following are some methods that should NOT be employed to redact information from documents electronically filed with the district court:

- Changing the font to white makes it look like the words disappear, but they don't.
- Document files created using word processing software (including Microsoft Word and Corel WordPerfect) retain a lot of hidden code called “metadata” that can contain revision history and other information. This metadata can reveal anything that was contained in the document file at any time, even text that was previously deleted or changed—even if the document was re-saved. This is useful for tracking revisions, but if this information is not purged from the document file, someone can look at this information, even after the document has been converted to PDF.
- Adobe Acrobat (the full version) has some graphic and “commenting” tools which can blackout, cover over, or remove sections of text. The edits these tools make can be removed to reveal the text underneath.
- Using markers, semitranslucent tape, or paper used to cover areas of a document to be scanned can still sometimes show enough information for someone to see what was assumed hidden, especially if that same data repeats a number of times throughout a document.

For more information about metadata, see [Guidelines for Editing Metadata](#) on the district court's website. The court does not profess to be an expert on metadata and does not endorse any specific method for “sanitizing” a document. There are a number of consulting and software resources which specialize in redaction of data.

HYPERLINKS

Electronically filed documents can include active hyperlinks to previously filed documents in the same case or another case filed in this district court. These are known as “cross-document hyperlinks.” For specific instructions about adding cross-document hyperlinks to a document created in Microsoft Word or Corel Word Perfect, see [Cross Document Hyperlinks](#) on the district court's website.

Electronically filed documents can also include active cross-document hyperlinks to previously filed documents in *another* federal court that uses CM/ECF. CM/ECF is currently used in over

200 different federal courts including United States district courts, United States bankruptcy courts, United States courts of appeal, the United States Supreme Court, the United States Court of Federal Claims, and the United States Court of International Trade. For a complete list of federal courts that use CM/ECF, go to the [PACER Service Center](#) website.

Electronically filed documents can also include active hyperlinks to items posted on the internet. Pursuant to D.S.D. Civ. LR 5.1(B)(6) and D.S.D. Crim. LR 49.1(B)(6), filers must completely redact any hyperlinks in a filed document that direct the court to a website containing personal data identifiers and/or pornography. For more information about redacting documents, see the [REDACTING DOCUMENTS](#) and the [Unredacted Documents](#) sections of this user manual.

SIGNATURES

Pursuant to D.S.D. Civ. LR 10.1(B) and D.S.D. Crim. LR 49.1(B)(4), an electronically filed document must include a signature block that sets forth the name, address, telephone number, and e-mail address of the filer. This information should NOT be included in a header or a footer that appears on every page of a document or as part of the case caption.

The signature block must also contain a facsimile signature of the filer or the typed name of the filer preceded by a “/s/,” as in the following example:

/s/ Nelson E. Wiseman

The signature on the document must belong to the same person whose CM/ECF login and password are used to electronically file the document. The signature on the document, together with the filer’s CM/ECF login and password, serve as the filer’s signature for purposes of the federal rules of procedure, the local rules of practice of this district court, and any other purpose for which a signature is required in connection with proceedings before this district court.

Only registered attorneys and approved pro se parties may sign their electronically filed documents using a “/s/” and their typed name on the signature line. Affidavits and declarations signed by others must contain the actual ink signature of the affiant or declarant. In addition, notarized documents must contain the actual ink signature of the notary public.

Pursuant to D.S.D. Civ. LR 5.1(B)(5) and D.S.D. Crim. LR 49.1(B)(5), documents requiring the signatures of more than one party may be electronically filed by either (a) submitting a scanned document containing all necessary signatures; or (b) in any other manner approved by the court. It is not permissible for a filer to sign a document for another person by inserting a “/s/” and the other person’s typed name on the signature line

Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E), local counsel must sign and file all documents. Attorneys who are admitted pro hac vice are not allowed to file documents

with this district court and are not allowed to sign a document that is electronically filed using local counsel's CM/ECF login and password.

REMINDER

Documents that are *manually* filed with the Clerk's Office must include the filer's actual ink signature and NOT a "/s/" and the filer's typed name on the signature line.

SERVICE OF DOCUMENTS

Pursuant to D.S.D. Civ. LR 5.1(A)(2) and D.S.D. Crim. LR 49.1(A)(2), when a filer electronically files a document in CM/ECF and a Notice of Electronic Filing (NEF) is automatically generated and e-mailed to the appropriate case participants, receipt of the NEF constitutes service on those registered attorneys who consented to receive electronic service at the time of registration and on those pro se parties who consented and were approved to receive electronic service. Furthermore, pursuant to D.S.D. Civ. LR 5.1(B)(3) and D.S.D. Crim. LR 49.1(B)(3), a certificate of service with respect to those persons who received electronic service is not required. For more information about electronic service, see the [NOTICE OF ELECTRONIC FILING \(NEF\)](#) section of this user manual.

All of the case participants or a particular case participant in a case may not receive an NEF when a document is electronically filed in CM/ECF. This might happen for several reasons, including the following:

- The event used to file the document did not generate an NEF;
- An attorney is exempted from receiving electronic service; and
- A pro se party has not been approved to receive electronic service.

Those case participants entitled to receive service who did not receive an NEF for any of these reasons must be manually served with copies of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. In this situation, a certificate of service is required. The certificate of service must be *attached* to the document and must identify the person or persons served and the manner in which manual service was accomplished.

When, for whatever reason, a document cannot be electronically filed and must be *manually* filed with the Clerk's Office, those case participants entitled to receive service must be *manually* served with copies of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. This is true even if those case participants receive electronic notice when the Clerk's Office files the document in CM/ECF because that is NOT valid service. Again, in this situation, a certificate of service is required. The certificate of

service must be *attached* to the document and must identify the person or persons served and the manner in which manual service was accomplished.

REMINDER

Documents that are *manually* filed with the Clerk's Office must include the filer's actual ink signature.

NOTICE OF ELECTRONIC FILING (NEF)

When most documents are electronically filed in CM/ECF, a Notice of Electronic Filing (NEF) is automatically e-mailed to the appropriate case participants. This is known as electronic notice and constitutes service on those attorneys who have registered for a CM/ECF account and those a pro se parties who have applied for and been approved to receive service of documents in accordance with the federal rules of procedure and the local rules of practice of this district court.

The subject line of an NEF will look similar to the following:

ecfhelp	Motion to Compel filed in 4:13-cr-40005-KES USA v. O'Connor et al	12/06/2015 10:02 AM	5K
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The NEF contains the same information as the receipt discussed in [THE RECEIPT](#) section of this user manual, including an active document number hyperlink for accessing the e-filed document. As long as the e-filed document is not restricted, the *first* time the recipient of an NEF clicks on the active document number hyperlink for an *unrestricted* document contained in the NEF on behalf of a case participant, he or she can look at the document and any attachments to the main document for free. The recipient should print or save a copy of the main document (and any attachments) the first time he or she looks at the document because the recipient will be charged applicable PACER access fees to look at the document a second time. Free access to the main document (including attachments) expires 15 days after receipt of the NEF.

NEFs are not sent to case participants when a document is filed in a sealed case or when the docket entry for the document is sealed. For more information about sealed docket entries, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

For information about accessing *restricted* documents from an NEF, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual. For information about PACER, see the [PACER](#) section of this user manual or go to the [PACER Service Center](#).

Even when a document is not actually filed in CM/ECF, case participants may receive electronic notice when docket activity occurs in a case. When this happens, the NEF will notify the recipient of the docket activity, but the NEF will not contain a hyperlink for a filed document. Among other instances, this occurs when oral orders and text orders are entered on the docket.

Registered attorneys can receive electronic notice in cases in which they are not case participants. When a registered attorney receives an NEF and clicks on a document number hyperlink for a document filed in a case in which he or she is not a participant, the registered attorney will be rerouted to PACER where he or she must pay applicable PACER access fees to look at the document. For more information about receiving electronic notice when documents are filed in cases in which the registered attorney is not a participant, see the [Maintain Your E-mail](#) section of this user manual.

To receive electronic notice when documents are filed and when other docket activity occurs in their district court cases, registered attorneys and approved pro se parties are required to maintain a valid primary e-mail address and optional secondary e-mail addresses on their CM/ECF accounts. If an NEF is returned to the district court as undeliverable because a registered attorney or an approved pro se party has failed to keep an e-mail address on their CM/ECF account up-to-date, the Clerk's Office will make an attempt to contact the attorney or pro se party, but is not required to do so. For more information about updating the e-mail addresses on your CM/ECF account, see the [Maintain Your E-Mail](#) section of this user manual.

WHAT CONSTITUTES FILING/OFFICIAL RECORD

Pursuant to D.S.D. Civ. LR 5.1(B)(1) and D.S.D. Crim. LR 49.1(B)(1), electronic transmission of a document to the CM/ECF system, together with transmission of a Notice of Electronic Filing (NEF) e-mail from the district court constitutes filing of the document for all purposes of the federal rules of procedure and the local rules of practice of this district court. This constitutes entry of the document on the docket kept by the Clerk of Court pursuant to [Fed. R. Civ. P. 58](#) and [Fed. R. Civ. P. 79](#).

An electronically filed document is deemed filed at the date and time stated on the NEF as generated by the CM/ECF system. The district court's server is located in Sioux Falls, South Dakota, in the Central Time Zone. Electronically filed documents must be filed by 11:59 p.m. *Central Time*, regardless of the location of the filer, to be considered timely filed that day, unless specifically ordered otherwise by the court.

When a document has been electronically filed, the official record is the electronic document as stored in the CM/ECF system, and the filer is bound by the document as filed.

IMPORTANT

Filers are strongly encouraged to verify a document's content and legibility before e-filing it with the district court.

DOCUMENTS ENTERED BY THE COURT

All electronically filed orders, judgments, and proceedings of this court constitute entry on the docket kept by the Clerk of Court pursuant to [Fed. R. Civ. P. 58](#), [Fed. R. Civ. P. 79](#), [Fed. R. Crim. P. 49](#), and [Fed. R. Crim. P. 55](#).

Any order or other court-issued document electronically entered on the docket without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had actually signed the document.

Any “text only” order or other entry by the court on the docket without an attached document is official and binding. For more information about electronic notice when a document is not actually filed in CM/ECF, see the [NOTICE OF ELECTRONIC FILING \(NEF\)](#) section of this user manual.

NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon entry on the docket of an *unsealed* order or judgment in an *unsealed* case, the CM/ECF system automatically transmits a Notice of Electronic Filing (NEF) e-mail containing an active document number hyperlink for the document to all appropriate case participants. Electronic transmission of the NEF constitutes notice as required by [Fed. R. Civ. P. 77\(d\)](#) and [Fed. R. Crim. P. 49\(c\)](#). The Clerk’s Office will send a copy of the order or judgment by regular mail to appropriate case participants who are either exempt from registration or who are not approved by the court to receive electronic notice.

Immediately upon entry on the docket of a *sealed* order or judgment in an *unsealed* case, case participants may receive electronic notice, however, because the document is sealed, they will not be able to access the document from the NEF. In this instance, the Clerk’s Office will send a copy of the sealed order or judgment by regular mail or e-mail to all appropriate case participants.

When an order or judgment is entered on the docket in a *sealed* case, such as a criminal case involving a juvenile defendant, case participants will not receive electronic notice when the document is filed. In this circumstance, the Clerk’s Office will send a copy of the order or judgment by regular mail or e-mail to all appropriate case participants.

ACCESS LEVEL RESTRICTIONS

CM/ECF accommodates two different types of users in several different types of roles. Court users, including everyone in the Clerk’s Office, the chamber offices, and the United States

Probation Office, generally have unlimited access to case documents and other information stored in CM/ECF. Public users, including registered attorneys, approved non-prisoner pro se parties, persons using the public access terminals in the clerk's offices, and anyone with a PACER account, have access to most documents and information stored in CM/ECF, but may have restricted access to certain other documents and information based on their role in a particular case. Access can be restricted either at the case level, docket entry level, or document level. Following is a brief discussion of these access level restrictions.

Cases can be sealed. Sealed cases are not accessible by public users. Since sealed cases are not accessible by public users, the documents and information associated with sealed cases are not accessible by public users either. Case participants cannot electronically file documents in sealed cases. Criminal cases involving juvenile defendants are sealed when they are opened in CM/ECF and are never unsealed. Other cases that are sealed when they are opened in CM/ECF may be unsealed later by operation of law or by order of the court.

Docket entries can be sealed or restricted. Sealed docket entries are not visible to public users. Since sealed docket entries are not visible to public users, the documents and information associated with sealed docket entries are not visible or accessible by public users either. There are three types of documents that filers can e-file in criminal cases that result in sealed docket entries. These include sealed sentencing memoranda, sealed motions for departure, and sealed motions for variance. For more information about these specific types of documents, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

Restricted docket entries may or may not be visible to a public user, depending on the user's role. For example, restricted docket entries may be visible to all of the participants in a case, but not to anyone who is not a participant in that particular case. Similarly, restricted docket entries may be visible to public users associated with one party in a case, but not to anyone who is not associated with that particular party. If a restricted docket entry is not visible to a public user, the documents and information associated with the restricted docket entry are not accessible to that public user either.

For more information about sealed and restricted *docket entries*, see the [SEALED DOCKET ENTRIES](#) and the [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

Documents can be sealed or restricted. Docket entries for sealed documents are visible to public users, however, the actual sealed documents are not accessible by public users. Filers can electronically file several types of sentencing-related documents in criminal cases that are automatically sealed.

Docket entries for restricted documents are also visible to public users, but the actual restricted documents may or may not be accessible by a public user, depending on the public user's role in a particular case. For example, presentence reports and bail reports are routinely filed in criminal cases by the United States Probation Office. These reports are only accessible by

counsel for the government and counsel for the defendant who is the subject of the report. No other public users are able to access these reports in CM/ECF, including counsel for co-defendants in multi-defendant criminal cases. For more information about documents filed by the United States Probation Office, see the [RESTRICTED DOCUMENTS](#) and the [Petitions to Revoke](#) sections of this user manual.

For more information about sealed and restricted *documents*, see the [SEALED DOCUMENTS](#) and the [RESTRICTED DOCUMENTS](#) sections of this user manual.

SEALED DOCKET ENTRIES

Sealed docket entries in civil and criminal cases are not visible on the public docket sheet. By default, the documents associated with sealed docket entries are also sealed and are not accessible by case participants or other public users.

To protect the safety of all federal inmates regardless of their cooperation with the government, as well as the integrity of any ongoing investigation or related prosecutions, it is this district court's intent to make it impossible to determine by examining the court record whether there was, or was not, cooperation. In pursuit of this objective, docket entries are automatically sealed when certain sentencing-related documents are electronically filed in CM/ECF using the following events:

- Sealed Motion for Departure
- Sealed Motion for Variance
- Sealed Sentencing Memorandum

These are the only events filers can use to e-file a document that result in a docket entry being automatically sealed when the document is filed. Filers do not need permission to e-file sealed documents using these events.

Case participants, including the filer, do not receive electronic notice when a document is e-filed using one of these events. Since other case participants will not be aware when such a document is filed, the filer who electronically files a document using one of these events must manually serve copies of the document on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service should be attached to the document that identifies the person or persons served and the manner in which manual service was accomplished. A document e-filed using one of these events should not be manually served on the court or the United States Probation Office.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party's sentencing memorandum. When a sentencing memorandum contains a motion for

departure or a motion for variance it should NOT be filed using the **Sealed Sentencing Memorandum** event. Instead, it should be filed using either the **Sealed Motion for Departure** event or the **Sealed Motion for Variance** event. This ensures that the motion will appear on the court's **Pending Motions Report** and be considered by the court.

Other than the above-listed sentencing-related documents that are sealed when filed by virtue of the docket entry being sealed and the sealed sentencing-related documents identified in the [SEALED DOCUMENTS](#) section of this user manual, filers are unable to electronically file sealed documents in CM/ECF without first obtaining permission from the court. For information about filing a motion to seal, see the [Motions to Seal and Their Attachments](#) section of this user manual.

SEALED DOCUMENTS

Docket entries for *sealed documents* filed in civil and criminal cases are visible on the public docket sheet, but the actual sealed documents are not accessible by case participants or other public users.

Sealed documents generally fall into the following categories:

- Sentencing-Related Documents
- Unredacted Documents
- Motions to Seal and Their Attachments
- Documents Subject to a Protection Order – Main Document
- Documents Subject to a Protection Order – Attachments

These specific types of sealed documents are discussed in the following sections.

Along with the documents identified in the [SEALED DOCKET ENTRIES](#) section of this user manual, filers are unable to file other types of sealed documents in CM/ECF without first obtaining permission from the court. For more information about filing a motion to seal, see the [Motions to Seal and Their Attachments](#) section of this user manual.

Sentencing-Related Documents

Most sentencing-related documents should be sealed. Sentencing-related documents are automatically sealed when they are e-filed using any of the following events:

- Sealed Allocution Statement
- Sealed Evaluation
- Sealed Letter(s) of Support
- Sealed Objections to Presentence Report
- Sealed Plea Agreement Supplement
- Sealed Statement of Factual Basis

- Sealed Supporting Document(s)
- Sealed Victim Impact Statement(s)

Filers do not need permission to e-file sealed documents using these events. These are the only events available to filers that result in a document being automatically sealed when the document is e-filed.

Case participants usually receive electronic notice when a document is e-filed using one of these events. However, since public users are unable to access sealed documents, a filer who files a document using one of these events must manually serve copies of the document on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service should be attached to the document that identifies the person or persons served and the manner in which manual service was accomplished. A document e-filed using one of these events should not be manually served on the court or the United States Probation Office.

IMPORTANT

Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [Standing Order 16-04](#), defense counsel may review sealed and restricted court documents with their client, but defense counsel is not allowed to provide copies of sealed or restricted court documents to their client if the client is detained or incarcerated.

Unredacted Documents

The E-Government Act of 2002 prohibits the filing of documents containing personal data identifiers. After electronically filing a document in which personal data identifiers have been redacted, a filer may manually submit an *unredacted* version of the document to the Clerk's Office for filing under seal pursuant to D.S.D. Civ. LR 5.2(B) and D.S.D. Crim. LR 49.1.1(B). Any such submission must contain a cover sheet stating, "Document filed under seal pursuant to the E-Government Act." See, [Standing Order 2004-1](#) and [Public Notice – Notice of Electronic Availability of Case File Information](#) on the district court's website for more information about the E-Government Act. For more information about redacting documents personal data identifiers, see the [REDACTING DOCUMENTS](#) section of this user manual.

D.S.D. Civ. LR 5.1(B)(6) and D.S.D. Crim. LR 49.1(B)(6) also prohibit the filing of documents containing hyperlinks that direct the court to websites containing personal data identifiers and/or pornography. After electronically filing a document in which such websites have been redacted, a filer may submit an *unredacted* version of the document to the Clerk's Office for filing under seal with a cover sheet stating, "Document filed under seal pursuant to D.S.D. Civ. LR 5.2(B)" or stating, "Document filed under seal pursuant to D.S.D. Crim. LR 49.1.1(B)."

The Clerk's Office will file *unredacted* versions of redacted documents using either the civil or criminal **Sealed Document** event. Case participants will receive electronic notice when the sealed document is filed. Although the docket entry for the sealed document will be visible on the public docket sheet, sealed documents are not accessible by public users.

A document that is *manually* filed with the Clerk's Office, such as the unredacted version of a redacted document, must include the filer's actual ink signature and must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. Such documents should not be manually served on the court or the United States Probation Office.

Motions to Seal and Their Attachments

Other than the specific sentencing-related documents discussed in the [SEALED DOCKET ENTRIES](#) and [SEALED DOCUMENTS](#) sections of this user manual, filers are unable to electronically file sealed documents in CM/ECF without first obtaining permission from the court. Filers can request permission from the court by manually filing a motion to seal. Pursuant to D.S.D. Civ. LR 7.1(A) and D.S.D. Crim. LR 47.1(B), such a motion must include (1) proposed reasons supported by specific factual representations to justify sealing, and (2) an explanation why alternatives to sealing won't provide sufficient protection.

All motions to seal and the documents to which they pertain (unless the document is already filed) must be manually submitted to the Clerk's Office for filing. The Clerk's Office will file the motion to seal in CM/ECF as a public document. The motion to seal will be accessible by all case participants and public users and therefore should NOT contain any information the filer wants sealed. Unless the document is already filed with the district court, the document to which the motion to seal pertains will be attached to the motion and filed under seal by the Clerk's Office and will not be accessible by any case participants or other public users. The attachment to the motion to seal will not be considered by the court for any purpose other than to determine whether or not it should be sealed.

If the court enters an order granting the motion to seal, the Clerk's Office will re-file the attachment under seal as a separate docket entry on the docket using either the civil or criminal **Sealed Document** event. The court will then consider the sealed document for the purpose for which it was filed. Case participants will receive electronic notice when the sealed document is filed and the sealed document will be visible on the public docket sheet, but it will not be accessible by public users.

If the court denies the motion to seal, the sealed attachment will not be considered by the court for any other purpose and the Clerk's Office will take no further action with respect to the sealed attachment unless ordered to do so by the court.

As indicated above, a motion to seal should not contain any information that should be sealed. If it is necessary to include confidential information in a motion to seal, the filer should deliver the motion to seal to chambers for the express purpose of obtaining an order to seal the motion prior to delivering the motion to seal to the Clerk's Office for filing. The Clerk's Office will not seal a motion to seal without an order from the court.

A document that is *manually* filed with the Clerk's Office, such as a motion to seal, must include the filer's actual ink signature and must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. Such documents should not be manually served on the court or the United States Probation Office.

Documents Subject to a Protective Order – Main Document

A filer should manually submit a document (*i.e.*, a main document) to be filed under seal pursuant to a protective order (or other court order) to the Clerk's Office with a cover sheet stating, "This document to be filed under seal pursuant to the Protective Order issued in this case on [insert date]." The Clerk's Office will file the document in CM/ECF using either the civil or criminal **Sealed Document** event. Case participants will receive electronic notice when the sealed document is filed and the sealed document will be visible on the public docket sheet, but it will not be accessible by public users. In this circumstance, a separate court order is not required and there is no need to file a redacted version of the document.

A document that is *manually* filed with the Clerk's Office, such as a document subject to a protective order, must include the filer's actual ink signature and must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. Such documents should not be manually served on the court or the United States Probation Office.

There is a difference between filing a document (*i.e.*, a main document) that is subject to a protection order and filing *attachments* that are subject to a protective order. For information about filing attachments subject to a protective order, see the [Documents Subject to a Protective Order – Attachments](#) section of this user manual.

Documents Subject to a Protective Order – Attachments

When a filer electronically files an *unsealed* document (*i.e.*, a main document) in a civil or criminal case that includes attachments that should be sealed pursuant to a protective order (or other court order) a temporary placeholder must be electronically filed for each such attachment. After electronically filing the main document and the required placeholders, the filer should manually submit each attachment to be filed under seal to the Clerk's Office with a cover sheet identifying the specific placeholders to be replaced. The Clerk's Office will replace the placeholders with the sealed attachments. The sealed attachments will not be accessible by

public users. In this circumstance, a separate court order is not required and there is no need to file redacted versions of the attachments.

Attachments that are manually submitted to the Clerk's Office for filing under seal pursuant to a protective order must be manually served on those case participants entitled to receive notice in accordance with the federal rules of procedure and the local rules of practice of this district court. These attachments should not be manually served on the court or the United States Probation Office.

There is a difference between filing attachments that are subject to a protection order and filing a main document that is subject to a protective order. For information about filing a main document subject to a protective order, see the [Documents Subject to a Protective Order – Main Document](#) section of this user manual.

RESTRICTED DOCKET ENTRIES

Restricted docket *entries* in civil and criminal cases are not visible on the public docket sheet except by particular case participants. By default, access to documents associated with these restricted docket entries is also restricted to these particular case participants.

The most common types of restricted docket entries are the result of filing the following types of documents:

- Ex Parte Documents
- Petitions to Revoke
- Notices of Filing Error

Docket entries for these specific types of restricted documents are discussed in the following sections.

Ex Parte Documents

Ex parte documents may only be filed when service of the document on another party is not required under the federal rules of procedure and the local rules of practice of this district court. A filer who is allowed to file an ex parte document should electronically file the document using one of the following ex parte events:

Civil Events

- Ex Parte Motion
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion

Criminal Events

- Ex Parte CJA Motion
- Ex Parte Motion
- Ex Parte Motion for Revocation
- Ex Parte Motion for Summons
- Ex Parte Motion for Warrant
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion
- Ex Parte Financial Affidavit – CJA23
- Ex Parte Application for Writ of Habeas Corpus ad Testificandum

When an ex parte document is electronically filed using one of these ex parte events, only court users and the filer who filed the document will receive electronic notice when it is filed and be able to access it. In addition, the ex parte document will not be visible on the public docket sheet, except by the filer who filed it.

When an *order* ruling on an ex parte motion is entered in CM/ECF, it is also an ex parte document. Only court staff and the filer who filed the original ex parte motion will receive electronic notice when the ex parte order is entered and be able to access it. In addition, the ex parte order will not be visible on the public docket sheet, except by the filer who filed the original ex parte motion.

For information about accessing restricted documents through an NEF, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

Petitions to Revoke

When the United States Probation Office requests a *warrant* (not a summons) in connection with a petition to revoke, the petition to revoke is restricted when it is filed in CM/ECF. Only court users and attorneys in the United States Attorney's Office will receive electronic notice when the petition to revoke is filed. Likewise, only court users and attorneys in the United States Attorneys' Office will receive electronic notice when a warrant is issued in connection with the petition to revoke. Furthermore, the petition to revoke and the warrant will only be accessible by court users and attorneys in the United States Attorney's Office until after the defendant is either safely arrested and/or appears in court. When this happens, the petition to revoke and the warrant will be unrestricted and become visible on the public docket sheet and be accessible by defense counsel and other public users.

IMPORTANT

Due to law enforcement safety concerns, if defense counsel inadvertently receives electronic notice of a petition to revoke and/or a warrant before the defendant is arrested, as officers of the United States District Court for the District of South Dakota, defense counsel is prohibited from disclosing knowledge of the petition to revoke and/or warrant to the defendant. This prohibition extends to the defendant's family and associates.

For information about accessing restricted documents through an NEF, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

Notices of Filing Error

The civil and criminal **Notice of Filing Error** events can be used to add a notation (not a document) to the docket in the form of a docket entry to indicate that a previously filed document was filed in error and should be disregarded. If the previously filed document is restricted, the notice of filing error should also be restricted. This is accomplished during the filing process when the filer affirms that the notice of filing error should be restricted because it relates to a restricted document (such as an ex parte motion) or for some other reason. When a notice of filing error is restricted, only court users and the filer who filed it will receive electronic notice when it is filed. In addition, when a notice of filing error is restricted, it is not visible on the public docket sheet except by court users and the filer who filed it. For additional information about notices of filing error, see the [DOCUMENTS E-FILED IN ERROR](#) section of this user manual.

IMPORTANT

Unless a filer affirms a notice of filing error should be restricted during the e-filing process, it will NOT be restricted and case participants who were unaware when a restricted document was previously filed may now become aware of it.

IMPORTANT

Filing a notice of filing error does NOT seal the original document that was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document that was filed in error should be sealed because it contains personal data identifiers. Otherwise, if the original document that was filed in error should be sealed, the filer must file a motion to seal it. For information about filing a motion to seal, see the [Motions to Seal and Their Attachments](#) section of this user manual.

RESTRICTED DOCUMENTS

Restricted *documents* filed in civil and criminal cases are not accessible by public users. Restricted documents are visible on the public docket sheet, but may or may not be accessible by all case participants in a particular case.

The most common types of restricted documents are the following:

- Bail Reports
- Presentence Reports
- Recommended Special Conditions

- Social Security Appeal Case Documents
- Restricted Transcripts

With the exception of restricted transcripts, these specific types of restricted documents are discussed in the following sections. Restricted transcripts are discussed in the [TRANSCRIPTS](#) section of this user manual.

Presentence Reports, Bail Reports, and Recommended Special Conditions

The United States Probation Office prepares and electronically files the following types of restricted documents in criminal cases:

- Preliminary Bail Report
- Final Bail Report
- Addendum to Final Bail Report
- Draft Presentence Report
- Final Presentence Report
- Addendum to Final Presentence Report
- Draft Supplemental Presentence Report
- Final Supplemental Presentence Report
- Addendum to Final Supplemental Presentence Report
- Recommended Special Conditions

These documents are visible on the public docket sheet and *all* of the case participants in a multi-defendant criminal case receive electronic notice when they are filed. Access to these documents, however, is limited to court users, attorneys for the defendant who is the subject of the report, and attorneys in the United States Attorney's Office.

For information about accessing restricted documents through an NEF, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

IMPORTANT

Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [Standing Order 16-04](#), defense counsel may review sealed and restricted court documents with their client, but defense counsel is not allowed to provide copies of sealed or restricted court documents to their client if the client is detained or incarcerated.

Social Security Appeal Cases

Social Security appeal cases are unique. *Unsealed* opinions, judgments, and some orders entered by the court in Social Security appeal cases are not restricted. These documents are accessible by court users and all public users through PACER and at the public access terminals located in

the Clerk's Office. Other *unsealed* documents filed in Social Security appeal cases are restricted. The docket entries for these restricted documents are visible on the public docket sheet. These restricted documents are accessible by all public users at the public access terminals located in the Clerk's Office, but are only accessible by case participants through PACER. Sealed documents are never accessible by case participants or the public.

For information about accessing restricted documents through an NEF, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

ACCESSING RESTRICTED DOCUMENTS

Only an authorized case participant will be able to access a restricted document from a document number hyperlink contained in a Notice of Electronic Filing (NEF) e-mail or through PACER.

To access a restricted document from an NEF, an authorized case participant must be logged into CM/ECF *prior* to clicking on the document number hyperlink contained in the NEF. Otherwise, the person trying to access the restricted document will receive a message that says, "You do not have permission to view this document." In addition, only the first person who accesses a *restricted* document on behalf of a particular authorized case participant will be able to access the document for free. Anyone else who subsequently tries to access the document on behalf of the same authorized case participant by clicking on a document number hyperlink contained in an NEF will be routed to a **CM/ECF Filer or PACER Login** screen where they must enter the authorized case participant's unique CM/ECF login and password and pay the applicable PACER access fees to look at the document.

Likewise, anytime an authorized case participant tries to access a restricted document through PACER, they are required to establish their identity by entering their unique CM/ECF login and password and paying the applicable PACER access fees. For more information about PACER, see the [PACER](#) section of this user manual.

Only local counsel is authorized to access restricted documents in CM/ECF. Attorneys admitted pro hac vice are not allowed to access restricted documents in CM/ECF and must obtain copies of restricted documents through local counsel.

For more information about restricted documents, see the [RESTRICTED DOCUMENTS](#) and [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

TRANSCRIPTS

Pursuant to the [Judicial Conference Policy with Regard to the Availability of Transcripts of Court Proceedings](#), transcripts of most court proceedings filed in CM/ECF are accessible by public users at the public access terminals located in the clerk's offices, for inspection only, for a period of 90 days after they are filed. During this 90-day restriction period, public users may obtain a copy of a transcript from the court reporter or transcriber who prepared the transcript at the rate established by the Judicial Conference. After the expiration of the 90-day period, most transcripts are available for copying by public users at the public access terminals located in the clerk's offices and through PACER. Transcripts of voir dire proceedings are never available at the public access terminals or through PACER.

[Standing Order 16-04](#) requires that every transcript of a criminal change of plea and/or sentencing hearing contain a confidential section or reference thereto so that the defendant's cooperation with the government or the lack thereof may be discussed. If a transcript of a change of plea and/or sentencing hearing is prepared, the court reporter or transcriptionist is required to prepare two versions, including a restricted transcript and a public transcript. The restricted transcript will include the confidential section. The public transcript will not include the confidential section, but instead will include the following reference, "Pursuant to Standing Order 16-04, portions of all change of plea and sentencing transcripts are restricted." After the normal 90-day restriction period has expired, restricted transcripts will be accessible through PACER only by government counsel and counsel for the defendant who pled or was sentenced. Restricted transcripts are never accessible by other public users at the public access terminals located in the clerk's offices.

Whenever a transcript of a court proceeding is scheduled to become accessible by public users, it is the responsibility of counsel and the parties to arrange for redaction of any personal data identifiers contained in the transcript. Since restricted transcripts are never accessible by public users through PACER or at the public access terminals located in the clerk's offices, when both a restricted transcript and a public transcript are prepared, only the public transcript must be redacted. Whenever redaction is required, counsel must electronically file a transcript redaction request within 21 days of the date when the transcript was originally filed, indicating where the personal data identifiers appear in the transcript by page and line and how they are to be redacted. For more information about redacting personal data identifiers from court documents, see the [REDACTING DOCUMENTS](#) section of this user manual. For more information related to transcripts, go to the [Court Reporters](#) tab on the right end of the blue menu bar on the district court's website.

IMPORTANT

Redaction is the sole responsibility of counsel and the parties. The Clerk's Office does not review documents, including transcripts, for redactions.

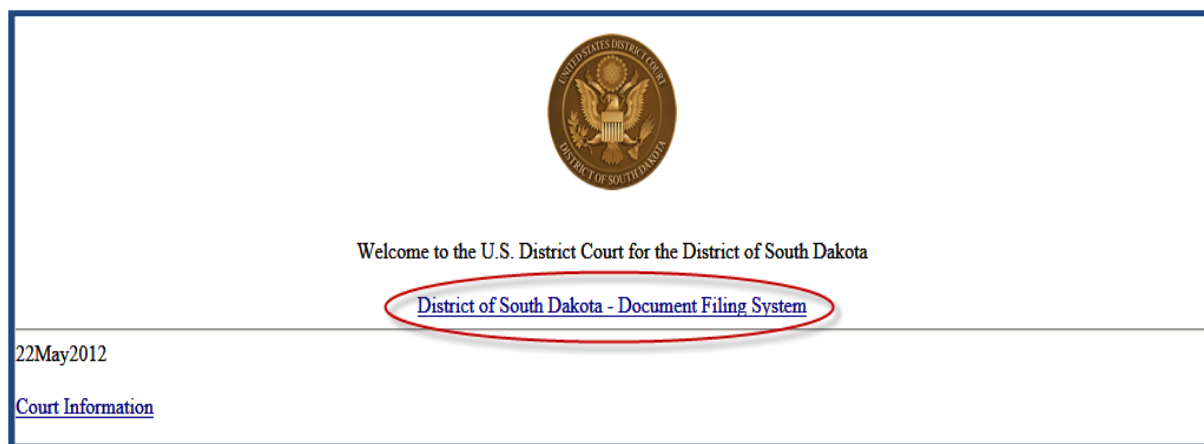
2. ELECTRONIC FILING IN CM/ECF

ACCESSING CM/ECF

You (or the authorized agent of a registered attorney or approved pro se party) can access the CM/ECF system via the internet by going to the district court's website located at www.sdd.uscourts.gov and clicking on the **E-Filing (CM/ECF)** hyperlink on the left-hand side of the home page.



Click on the [District of South Dakota - Document Filing System](#) hyperlink in the center of the following Welcome screen.



LOGGING INTO CM/ECF

This is the **CM/ECF Login** screen.

CM/ECF Filer or PACER Login

Notice
This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:
Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:
Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:
After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document.

Instructions for viewing filed documents and case information:
If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>.

Authentication

Login:

Password:

client code:

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with [Fed. R. Civ. P. 5.2](#) or [Fed. R. Crim. P. 49.1](#). This requirement applies to all documents, including attachments.

☐ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Notice
An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

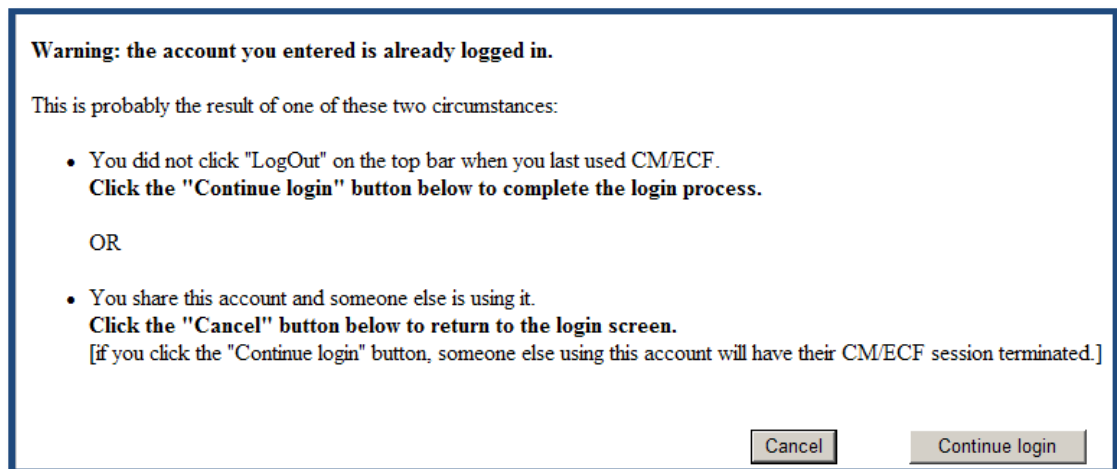
CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

- Enter your (the filer's) CM/ECF login and password in the appropriate data entry fields. It is not necessary to enter anything in the **client code** box. The **client code** box can be utilized to track PACER access fees incurred by you on behalf of a particular client to access case documents or other information stored in CM/ECF, however, you are never charged for electronically filing documents in CM/ECF.
- Read the "**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY**" and place a checkmark in the box next to the statement "I understand that, if I file, I must comply with the redaction rules. I have read this notice." Then click on **Login** to transmit the information to the CM/ECF system.
- If an invalid login or password is submitted, the system responds with an error message. Click on your web browser's back arrow and re-enter your correct CM/ECF login and password. After five invalid login attempts, your CM/ECF account will be "locked" for five minutes and the following message will appear:

Your account is temporarily disabled because an incorrect password was given 5 times. If you do not know who entered the incorrect passwords, or if you need to have your password changed, please contact the System Administrator. Otherwise, please try again in approximately 5 minutes.

After the initial five-minute timeout period has expired, the next failed login attempt will increase the timeout period to six minutes. After the new six-minute timeout period has expired, the next failed attempt will increase the timeout period to seven minutes, and so on. Contact the Clerk's Office at one of the numbers listed in the HELP DESK section of this user manual if you need password assistance.

- If you did not log out from your previous CM/ECF session, or if your login is in use by someone else, you will see the following message:



As stated in the message, clicking on **Continue login** will terminate any pending session and will log you into the CM/ECF system. Clicking on **Cancel** will return you to the CM/ECF Login screen.

- The following **CM/ECF Menu** screen is displayed after the entry of a valid CM/ECF login and password combination:



IMPORTANT

If the **Civil** and the **Criminal** menu options are missing from the blue menu bar, you are NOT logged into CM/ECF with a valid CM/ECF login and password combination. Instead, you may be logged into PACER with a PACER login and password combination. If you are logged into PACER, you can access case documents and other information stored in CM/ECF but you cannot use your PACER account to electronically file documents in CM/ECF.

The following **PACER Menu** screen is displayed after the entry of a valid PACER login and password combination:



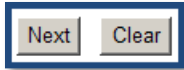
Notice that the **Civil** and **Criminal** menu options are missing from the blue menu bar. If you inadvertently logged into PACER, click **Logout** on the blue menu bar and log into the CM/ECF system using a valid *CM/ECF* login and password combination. (You may have to clear your web browser's cache before you can successfully log into CM/ECF. For more information about clearing your cache, see the [CLEARING YOUR WEB BROWSER'S CACHE](#) section of this user manual.)

When you log into CM/ECF, the last date when you were logged into the system appears in the bottom left-hand corner of the CM/ECF Menu screen. You should review this information each time you log into CM/ECF for security reasons. If you suspect someone is using your CM/ECF login and password without your permission, immediately change your CM/ECF password and call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual to report your suspicions.

For information about changing your password, see the [Maintain Your Password](#) section of this user manual.

PREPARING TO E-FILE IN CM/ECF

- During the electronic filing process, you (the filer) will notice that each screen contains the following two buttons:



- Clicking on the **Next** button accepts your entries on that particular screen and moves you to the next screen in the filing process.
- Clicking on the **Clear** button clears all of your entries on that particular screen.
- At any time during the e-filing process you can click on the yellow Question Mark icon at the right-hand end of the blue menu bar for online help.



- There are four basic steps involved in e-filing a document in CM/ECF, including the following:
 - Selecting the appropriate event;
 - Entering the case number of the case in which the document is to be filed;
 - Designating the party or parties filing the document; and
 - Attaching the PDF document(s) to be filed.

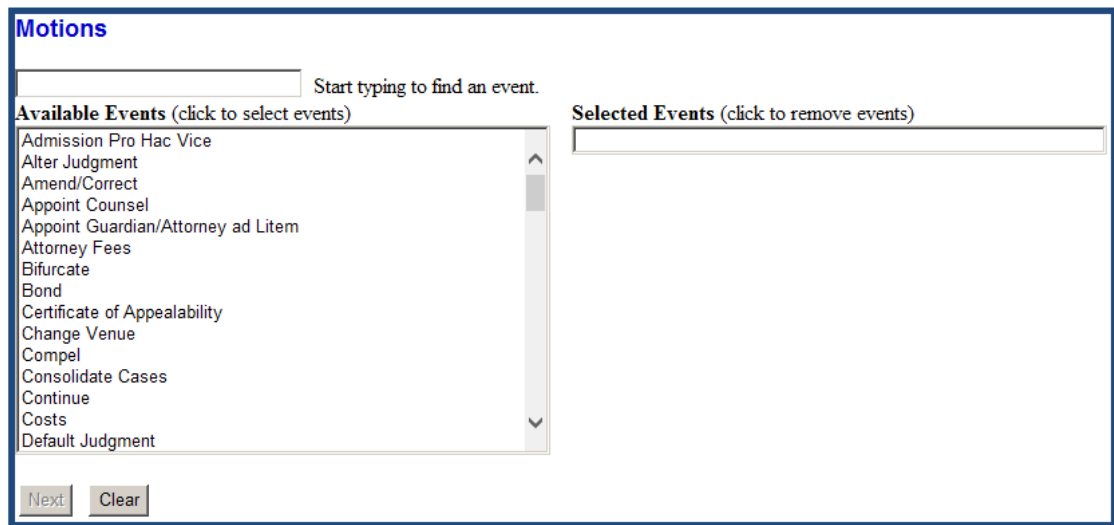
Immediately following are *two* step-by-step guides that will walk you through the entire process of electronically filing a motion in CM/ECF. First, is a guide for e-filing a motion in a *civil* case. Second, is a guide for e-filing a motion in a *criminal* case. Click [here](#) to go directly to the Step-by-Step Guide for E-Filing a Motion in a Criminal Case. Electronically filing another type of document in CM/ECF is similar to electronically filing a motion in CM/ECF. For information about e-filing documents other than motions, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE

After logging into CM/ECF, select the **Civil** menu on the blue menu bar to bring up the following **Civil Events** menu.



1. Click on **Motions** under **Motions and Related Filings** to bring up the following **Motions** events screen.



You (the filer) must choose an event when you e-file a document in CM/ECF. For a complete list of all the civil motion events, see the [Civil Case Events List](#) available on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

Use the scroll bar to scroll through the list of **Available Events** on the left side of this screen to find your desired motion event. Select the desired motion event by clicking on it. This will cause the motion event to move from the **Available Events** box to the **Selected Events** box on the right side of the screen.

IMPORTANT

Never select an event labeled as a "COURT USE ONLY" event.

IMPORTANT

It is important to select the correct event. Selecting the wrong event can have negative and unintentional consequences. If you are unsure about which event to use, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF.

The screenshot shows a web interface titled "Motions". At the top, there is a text input field with the placeholder "Start typing to find another event." Below this are two main sections: "Available Events (click to select events)" and "Selected Events (click to remove events)".

The "Available Events" list includes the following items: Leave to, Miscellaneous Relief, More Definite Statement, New Trial, Oral Motion (COURT USE ONLY), Partial Summary Judgment, Permanent Injunction, Preliminary Injunction, Proceed In Forma Pauperis, Produce, Protective Order (highlighted in blue), Quash, Reassign Case, Reconsideration, and Recusal.

The "Selected Events" list contains one item: Protective Order, which is circled in red.

At the bottom of the interface are two buttons: "Next" and "Clear".

Alternatively, you may be able to more quickly find a desired motion event in the list of **Available Events** by typing one or two letter from its title in the text box above the list of **Available Events**. The list of **Available Events** will then collapse to include only those motion events that begin with the letter or letters entered.

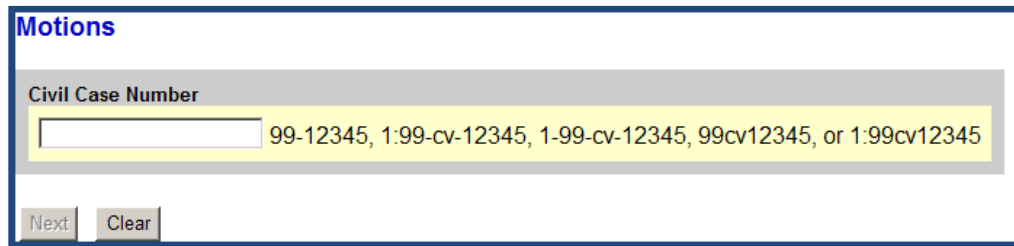
Another option for locating an event is clicking on the **Search** menu at the right-hand end of the blue menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

When filing a multi-part motion, select all applicable motion events in the list of **Available Events** so that they all appear in the **Selected Events** box.

If a motion event is selected in error, it can be removed by clicking on it in the **Selected Events** box. The motion event will move back to the list of **Available Events**.

After selecting the desired motion event(s), click on **Next**.

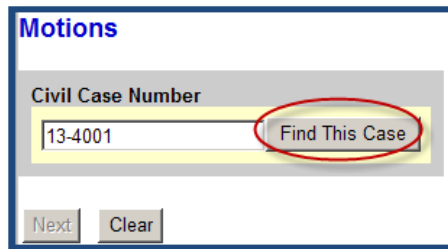
2. Following is the **Case Number** screen.



The screenshot shows a web form titled "Motions" in blue. Below the title is a section labeled "Civil Case Number" in a grey box. Inside this box is a text input field with a yellow background. To the right of the input field, the text "99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345" is displayed. Below the input field are two buttons: "Next" and "Clear".

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Civil Case Number** box on this screen. Otherwise, if you haven't previously accessed a case or you want to e-file in a different case, enter the number for the case in which the motion is to be filed in the **Civil Case Number** box using any of the accepted formats.

When the civil case number is entered, click on **Find This Case** and then click on **Next**.



This screenshot is similar to the previous one, but the "Find This Case" button is circled in red. The text input field now contains "13-4001".

3. The following **Case Number Verification** screen contains a hyperlink for the case number you entered on the previous screen.



The screenshot shows a web form titled "Motions" in blue. Below the title is a hyperlink: "4:13-cv-04001-JLV Blackcloud v. Dooley et al CASE CLOSED on 11/17/2014". Below the hyperlink is the text "CLOSED,PROSE" in green. At the bottom are two buttons: "Next" and "Clear".

This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a **CLOSED** flag has been raised in the case, you can still e-file documents in the case. For more information about case flags, click on the **Utilities** menu on the blue menu bar and click on the [Court Information](#) hyperlink on the subsequent screen.

Do NOT click on the case number hyperlink on the **Case Number Verification** screen unless you want to be routed to a **PACER Login** screen so that you can access case documents or other information stored in CM/ECF.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen.

Motions
 4:13-cv-04001-JLV Blackcloud v.
 Dooley et al CASE CLOSED on
 11/17/2014
 CLOSED, PROSE

Pick Filer

[Collapse All](#) [Expand All](#)

Edward P. Blackcloud pla
 Amy Dean dft
 Degleman dft
 Bob Dooley dft
 L. Good dft
 Brook Haga dft
 Joe Hanvey dft
 Susan Jacobs dft
 Johnson dft
 Corey Nelson dft
 Pennington County Jail dft
 Jennifer Stanwick dft
 Mark Steil dft
 Randy Stevens dft
 Major Tjeerdsma dft
 Unknown Staff from Department of Correction

Select the filer.

Select the Party:

Blackcloud, Edward P. [pla]
 Dean, Amy [dft]
 Degleman [dft]
 Dooley, Bob [dft]
 Good, L. [dft]
 Haga, Brook [dft]
 Hanvey, Joe [dft]
 Jacobs, Susan [dft]

Next **Clear** **New Filer**

This screen is divided into two panes. The left pane is informational. It contains a party tree that can be expanded to include party and attorney information or collapsed by clicking on the **Expand All** hyperlink.

In the right pane, you are directed to select the party or parties for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so that it is highlighted. To select more than one party, hold down the **Ctrl** key on your computer keyboard and select the additional party or parties so that they are also highlighted.

If the party you are looking for does not appear in the list, click on the **New Filer** button to add the party or call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual. The Clerk's Office will advise you regarding the appropriate steps to take.

When all of the correct parties are highlighted in the list of parties, click on **Next**.

5. The first time you file a document in a civil case, you may see the following **Association** screen.

The following attorney/party associations do not exist.

Leave the check in the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

☒ Amy Dean (pty:dft) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

If you do, it is because you are not associated with the party or parties selected on the previous screen.

If you selected the wrong party on the previous screen, click your web browser's back arrow to go back to the previous screen and change your selection.

If your selection on the previous screen was correct, make sure the checkbox on the left side of this screen is checked for each new attorney/party association that should be established. There are also two checkboxes on the right side of this screen. If you are not lead counsel, you can uncheck the **Lead** checkbox.

IMPORTANT

Never uncheck the **Notice** checkbox. If you do, you might not receive electronic notice when something is filed in this case in the future.

Click on **Next** to continue.

6. Following is the **Attachment** screen.

Motions
[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) CASE CLOSED on 11/17/2014
 CLOSED,PROSE

A description is required for each attachment added. You may also select a category, but it is not required.
 Select the pdf document and any attachments.

Main Document

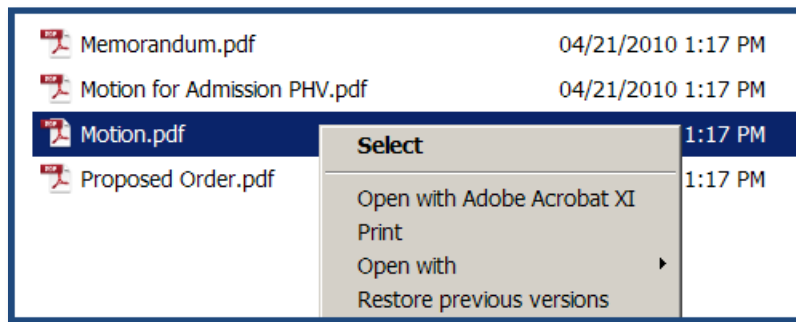
Attachments	Category	Description
1. <input type="text"/>	<input type="text"/>	<input type="text"/>

This screen allows you to upload the motion you are filing (the main document) and any attachments you may have. Remember, the motion and any attachments you are filing must be in PDF format and each PDF document cannot be larger than 12MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

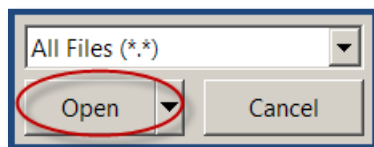
Click the **Browse** button next to the **Main Document** box and locate the saved motion document.

IMPORTANT

When you have located the saved motion document, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file and that it is properly signed.



After you have confirmed it is the correct document and that it is signed, close the document and click the **Open** button located in the lower right-hand portion of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the selected PDF document file.

A description is required for each attachment added. You may also select a category, but it is not required.
Select the pdf document and any attachments.

Main Document

Attachments	Category	Description
1. <input type="text"/>	<input data-bbox="792 1770 906 1801" type="button" value="Browse..."/>	<input type="text"/>

If you have attachments to your motion (*e.g.*, a proposed order, exhibits, etc.), they must each be scanned separately to PDF format and attached separately.

To add an attachment to your motion, click the **Browse** button next to the first **Attachments** box and locate the saved attachment.

IMPORTANT

When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file.

After you have confirmed it is the correct document, close the document. Click the **Open** button located in the lower right-hand portion of your screen.

You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the selected PDF document file.

Main Document					
d:\direction\$\sthielen\Documents\Motion.pdf		Browse...			
Attachments	Category	Description			
1. d:\direction\$\sthielen\Documents\Order.pdf	Browse...	Text of Proposed Order	▼		Remove
2. d:\direction\$\sthielen\Documents\Exhibit 1.pdf	Browse...		▼	Exhibit 1 - Photo	Remove
3. d:\direction\$\sthielen\Documents\Exhibit 2.pdf	Browse...		▼	Exhibit 2 - Letter signed b	Remove
4.	Browse...		▼		
Next		Clear			

All attachments must be properly described. Unless you are attaching a proposed order, skip the **Category** box and type a brief description of the attachment in the **Description** box. “Exhibit A – Photo” and “Exhibit 2 – Letter signed by Shane Brown” are examples of properly described attachments. “Exhibit A” and “Exhibit 2” are examples of insufficiently described attachments.

If you are attaching a proposed order, click the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment.

When you are finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished attaching the motion (the main document) and *all* of its attachments, click on **Next**.

- The following screen is the **Docket Text Modification** screen.

Depending on the motion event you initially selected, you will have a limited ability to modify the docket text that will appear on the docket sheet after your motion is filed.

If available, you can click on the drop-down arrow and select an appropriate modifier from the list of modifiers to describe your motion.

You can also type descriptive text in any available text box. (FYI - Whatever you type in a text box will appear in *italics* in the final docket text.)

Docket Text: Modify as Appropriate.

Second by Amy Dean. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown) (Tapken, Michelle)

Although text boxes may not be located precisely where you would like them to be, feel free to utilize them wherever they are. (If necessary, Clerk's Office personnel can modify the docket text after your document is filed.)

When you are finished modifying the docket text, click on **Next**.

8. Following is the **Final Docket Text** screen.

Docket Text: Final Text

Second MOTION for Protective Order *Regarding ABC Company* by Amy Dean. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown)(Tapken, Michelle)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Motion.pdf pages: 2
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Order.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 1.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 2.pdf pages: 16

It shows you exactly how the docket entry for the motion you are filing will appear on the docket sheet. As much as possible, the title of the document you are filing should match the final docket text on this screen.

IMPORTANT

Do NOT click on the **Next** button on this screen until you are satisfied everything is correct!

If you see an error, click on your web browser's back arrow (you may have to click on it twice) and go back and correct the error. Otherwise, you can start the filing process over from the beginning by selecting the **Civil** menu on the blue menu bar.

When you are sure everything is correct, click on **Next**.

Congratulations! Your motion is now filed. The main document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send a receipt back to your computer screen verifying the document was received. For more information about the receipt, see [THE RECEIPT](#) section of this user manual.

In addition, the CM/ECF system will immediately send electronic notice via a Notice of Electronic Filing (NEF) e-mail to each of the appropriate case participants. For more information about NEFs, see the [NOTICE OF ELECTRONIC FILING \(NEF\)](#) section of this user manual.

STEP-BY-STEP GUIDE FOR E-FILEING A MOTION IN A CRIMINAL CASE

After logging into CM/ECF, select the **Criminal** menu on the blue menu bar to bring up the following **Criminal Events** menu.

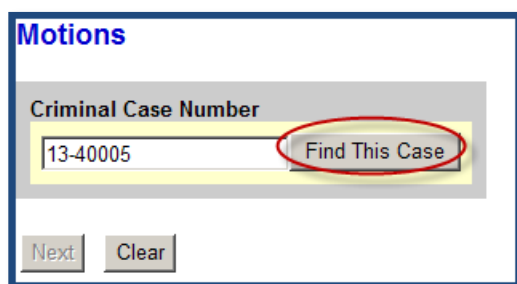


1. Click on **Motions** under **Motions and Related Filings** to bring up the following **Case Number** screen.

The screenshot shows the 'Motions' screen. At the top, the word 'Motions' is displayed in blue. Below it, there is a section titled 'Criminal Case Number'. This section contains a text input field with a yellow background. The input field contains the text '99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345'. Below the input field, there are two buttons: 'Next' and 'Clear'.

The system will automatically insert the case number of the last case you (the filer) accessed during your current CM/ECF session in the **Criminal Case Number** box on this screen. Otherwise, if you haven't previously accessed a case or want to e-file in a different case, enter the number for the case in which the motion is to be filed in the **Criminal Case Number** box using any of the accepted formats.

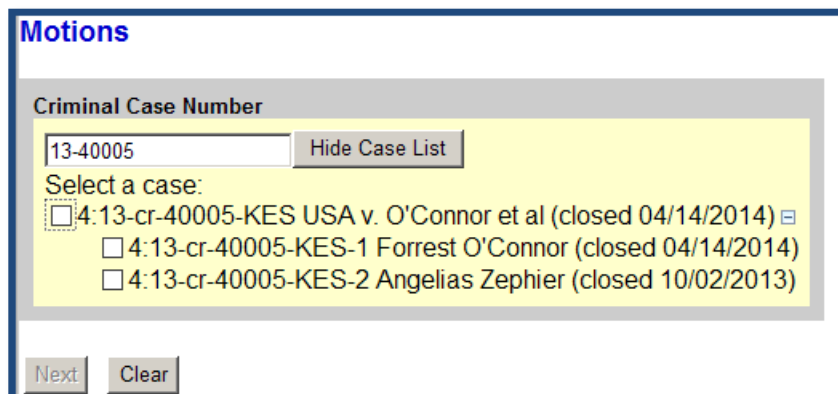
When the criminal case number is entered, click on **Find This Case**.



The screenshot shows a web form titled "Motions". Under the heading "Criminal Case Number", there is a text input field containing "13-40005". To the right of the input field is a button labeled "Find This Case", which is circled in red. Below the input field are two buttons: "Next" and "Clear".

2. If the case is a *single* defendant case, click on **Next**.

If the case is a *multiple* defendant case, a checkbox for the main case and checkboxes for each of the co-defendants' subcases will be displayed on the following screen.



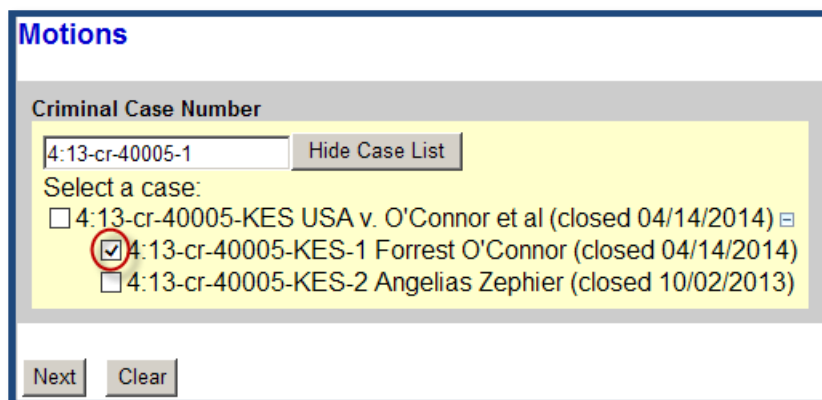
The screenshot shows the "Motions" screen. The "Criminal Case Number" field contains "13-40005". To its right is a "Hide Case List" button. Below the input field, it says "Select a case:". There are three checkboxes with corresponding case names and closure dates:

- ☐ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014)
- ☐ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)
- ☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

At the bottom are "Next" and "Clear" buttons.

Defense Counsel should select their client's subcase on this screen.

Government Counsel should select the subcase of the defendant for whom the motion pertains. Otherwise, select the main case if the motion pertains to all of the defendants in the case.



The screenshot shows the "Motions" screen. The "Criminal Case Number" field contains "4:13-cr-40005-1". To its right is a "Hide Case List" button. Below the input field, it says "Select a case:". There are three checkboxes with corresponding case names and closure dates:

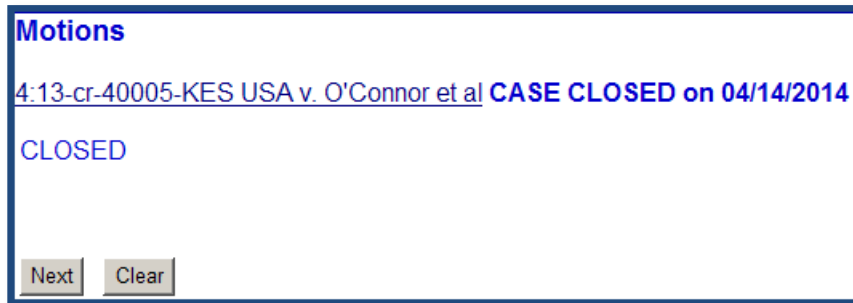
- ☐ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014)
- ☒ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)
- ☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

At the bottom are "Next" and "Clear" buttons.

If the main case is selected, the motion will appear on the docket sheet in the main case and on the docket sheets in each of the co-defendants' subcases. If one co-defendant's subcase is selected, the motion will appear on the docket sheet in the main case and on the docket sheet in *only* that one defendant's subcase. It will not appear on the docket sheets in any other co-defendants' subcases.

Click on **Next** to continue.

3. The following **Case Number Verification** screen contains a hyperlink for the case number you entered on the previous screen.



Motions

4:13-cr-40005-KES USA v. O'Connor et al **CASE CLOSED on 04/14/2014**

CLOSED

This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a **CLOSED** flag has been raised in the case, you can still e-file documents in the case. For more information about case flags, click on the **Utilities** menu on the blue menu bar and click on the [Court Information](#) hyperlink on the subsequent screen.

Do NOT click on the case number hyperlink on the **Case Number Verification** screen unless you want to be rerouted to a **PACER Login** screen so that you can access case documents or other information stored in CM/ECF.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen.

Motions
4:13-cr-40005-KES USA v.
O'Connor et al **CASE CLOSED**
on 04/14/2014
CLOSED

[Collapse All](#) [Expand All](#)

USA pla
Forrest O'Connor (T) dft
Angelias Zephier (T) dft

Select the filer.

Select the Party:

USA [pla]
O'Connor, Forrest (T) [dft]
Zephier, Angelias (T) [dft]

Next Clear

This screen is divided into two panes. The left pane is informational. It contains a party tree that can be expanded to include party and attorney information or collapsed by clicking on the **Expand All** hyperlink.

In the right pane, you are directed to select the party for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so it is highlighted.

When the correct party is highlighted in the list of parties, click on **Next**.

5. Following is the **Motions** events screen.

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

Start typing to find an event.

Available Events (click to select events)

- 5K1.1 Motion (COURT USE ONLY)
- Acquittal
- Admission Pro Hac Vice
- Amend/Correct
- Amended Petition to Revoke (COURT USE ONLY)
- Appeal In Forma Pauperis
- Appoint Counsel
- Appoint Expert
- Bifurcate
- Bill of Particulars
- Brady Materials
- Certificate of Appealability
- Change Venue
- Compel
- Competency Evaluation

Selected Events (click to remove events)

Next Clear

You must choose an event when you e-file a document in CM/ECF. For a complete list of all the criminal motion events, see the [Criminal Case Events List](#) available on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

Use the scroll bar to scroll through the **Available Events** list on the left side of this screen to find your desired motion event. Select the desired motion event by clicking on it. This will cause the motion event to move from the **Available Events** box to the **Selected Events** box on the right side of the screen.

IMPORTANT

Never select an event labeled as a "COURT USE ONLY" event.

IMPORTANT

It is important to select the correct event. Selecting the wrong event can have negative and unintentional consequences. If you are unsure about which event to use, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF.

Motions
4:13-cr-40005-KES USA v.
O'Connor et al **CASE CLOSED**
on 04/14/2014

CLOSED

Start typing to find another event.

Available Events (click to select events)

- 5K1.1 Motion (COURT USE ONLY)
- Acquittal
- Admission Pro Hac Vice
- Amend/Correct
- Amended Petition to Revoke (COURT USE ONLY)
- Appeal In Forma Pauperis
- Appoint Counsel
- Appoint Expert
- Bifurcate
- Bill of Particulars
- Brady Materials
- Certificate of Appealability
- Change Venue
- Compel**
- Competency Evaluation

Selected Events (click to remove events)

- Compel

Next **Clear**

Alternatively, you may be able to more quickly find a desired motion event in the list of **Available Events** by typing the first letter of the first word in its title or a few letters from any word in its title in the text box above the list of **Available Events**. The list of **Available Events** will collapse to include only those motion events containing the letter or letters entered.

Another option for locating an event is clicking on the **Search** menu at the right-hand end of the blue menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

When filing a multi-part motion, select all applicable motion events in the list of **Available Events** so they all appear in the **Selected Events** box.

If a motion event is selected in error, it can be removed by clicking on it in the **Selected Events** box. The motion event will move back to the list of **Available Events**.

After selecting the desired motion event(s), click on **Next**.

6. Following is the **Attachment** screen.

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
 on 04/14/2014

CLOSED

A description is required for each attachment added. You may also select a category, but it is not required.
 Select the pdf document and any attachments.

Main Document

Browse...

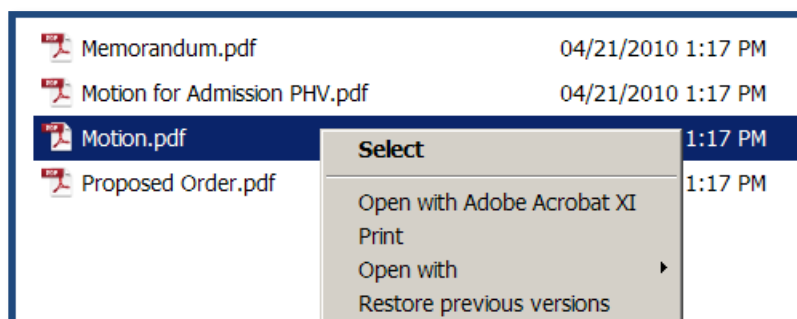
Attachments	Category	Description
1. <input type="text"/> Browse...	<input type="text"/> ▼	<input type="text"/>

This screen allows you to upload the motion you are filing (the main document) and any attachments you may have. Remember, the motion and any attachments you are filing must be in PDF format and each PDF document cannot be larger than 12MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

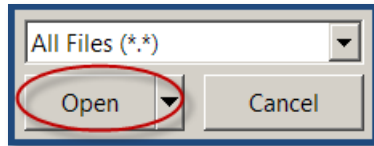
Click the **Browse** button next to the **Main Document** box and locate the saved motion document.

IMPORTANT

When you have located the saved motion document, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file and that it is properly signed.



After you have confirmed it is the correct document and that it is signed, close the document and click the **Open** button located in the lower right-hand portion of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the selected PDF document file.

A description is required for each attachment added. You may also select a category, but it is not required.
Select the pdf document and any attachments.

Main Document
 C:\Users\sthielen\Documents\A Sample.p Browse...

Attachments	Category	Description
1. Browse...		

Next Clear

If you have attachments to your motion (*e.g.*, a proposed order, exhibits, etc.), they must each be scanned separately to PDF format and attached separately *unless* they are multiple letters of support or multiple victim impact statements. (Multiple letters of support or multiple victim impact statements should all be scanned together as one document and attached as the main document.)

To add an attachment to your motion, click the **Browse** button next to the first **Attachments** box and locate the saved attachment.

IMPORTANT

When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the document you intend to file.

After you have confirmed it is the correct document, close the document. Click the **Open** button located in the lower right-hand portion of the next screen.

You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the selected PDF document file.

Main Document				
<input type="text" value="edirection\$\sthielen\Documents\Motion.pdf"/> <input type="button" value="Browse..."/>				
Attachments	Category	Description		
1. <input type="text" value="edirection\$\sthielen\Documents\Order.pdf"/> <input type="button" value="Browse..."/>	<input type="text" value="Text of Proposed Order"/> ▼	<input type="text"/>	<input type="button" value="Remove"/>	
2. <input type="text" value="edirection\$\sthielen\Documents\Exhibit 1.pdf"/> <input type="button" value="Browse..."/>	<input type="text" value="Exhibit 1 - Photo"/> ▼	<input type="text"/>	<input type="button" value="Remove"/>	
3. <input type="text" value="edirection\$\sthielen\Documents\Exhibit 2.pdf"/> <input type="button" value="Browse..."/>	<input type="text" value="Exhibit 2 - Letter signed b"/> ▼	<input type="text"/>	<input type="button" value="Remove"/>	
4. <input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/> ▼	<input type="text"/>		
<input type="button" value="Next"/> <input type="button" value="Clear"/>				

All attachments must be properly described. Unless you are attaching a proposed order, skip the **Category** box and type a brief description of the attachment in the **Description** box. “Exhibit A – Photo” and “Exhibit 2 – Letter Signed by Shane Brown” are examples of properly described attachments. “Exhibit A” and “Exhibit 2” are examples of insufficiently described attachments.

If you are attaching a proposed order, click the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment.

When you are finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished attaching your motion and *all* of its attachments, click on **Next**.

- The following screen is the **Docket Text Modification** screen.

Docket Text: Modify as Appropriate.	
<input type="text" value="MOTION to Compel"/> ▼	<input type="text" value="by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown) (Tapken, Michelle)"/>

Depending on the motion event you initially selected, you will have a limited ability to modify the docket text that will appear on the docket sheet after your motion is filed.

If available, you can click on the drop-down arrow and select an appropriate modifier from the list of modifiers to describe your motion.

Docket Text: Modify as Appropriate

Next Clear

- First
- Second**
- Third
- Fourth
- Fifth
- Sixth
- Seventh
- Eighth
- Ninth
- Tenth
- Amended
- Consent
- Counter
- Cross
- Emergency
- Endorsed
- Ex Parte
- Final
- Interim
- Joint
- Monthly
- Oral
- Proposed
- Quarterly
- Supplemental
- Third Party

You can also type descriptive text in any available text box. (FYI - Whatever you type in a text box will appear in *italics* in the final docket text.)

Docket Text: Modify as Appropriate.

Second

Although text boxes may not be located precisely where you would like them to be, feel free to use them wherever they are. (If necessary, Clerk's Office personnel can modify the docket text after your document is filed.)

When you are finished modifying the docket text, click on **Next**.

8. Following is the **Final Docket Text** screen.

Docket Text: Final Text

Second MOTION to Compel Discovery by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown)(Tapken, Michelle)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Motion.pdf pages: 2
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Order.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 1.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 2.pdf pages: 16

Next Clear

It shows you exactly how the docket entry for the motion you are filing will appear on the docket sheet. As much as possible, the title of the document you are filing should match the final docket text on this screen.

IMPORTANT

Do NOT click on the **Next** button on this screen until you are satisfied everything is correct!

If you see an error, click on your web browser's back arrow (you may have to click twice) and go back and correct the error. Otherwise, you can start the filing process over from the beginning by selecting the **Criminal** menu on the blue menu bar.

When you are sure everything is correct, click **Next**.

Congratulations! Your motion is now filed. The main document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send a receipt back to your computer screen verifying the document was received. For more information about the receipt, see [THE RECEIPT](#) section of this user manual.

Unless you are e-filing a sealed sentencing memorandum, a sealed motion for departure, or a sealed motion for variance, the CM/ECF system will automatically send electronic notice via a Notice of Electronic Filing (NEF) e-mail to each of the appropriate case participants. If you are filing one of these particular documents, you are encouraged to print or save a copy of the receipt because you will not otherwise receive electronic notice that the document was filed in CM/ECF.

For more information about e-filing sealed sentencing memoranda, sealed motions for departure, or sealed motions for variance, see the [SEALED DOCKET ENTRIES](#) and the [E-FILING OTHER DOCUMENTS](#) sections of this user manual. For more information about NEFs, see [NOTICE OF ELECTRONIC FILING \(NEF\)](#) section of this user manual.

THE RECEIPT

As soon as the CM/ECF system receives electronically filed documents, the system sends a receipt back to the filer's computer verifying the document was received.

The receipt includes information about the document that was filed, including the following:

- Date and time (CST) of filing;
- Case Name;
- Case Number;
- Filer;
- Document Number;
- Docket Text;
- A list of case participants who will receive electronic notice of the document; and
- A list of case participants who must be manually served a copy of the document.

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

U.S. District Court
District of South Dakota

Notice of Electronic Filing

The following transaction was entered on 12/6/2015 at 11:01 AM CST and filed on 12/6/2015

Case Name: USA v. O'Connor et al
Case Number: [4:13-cr-40005-KES](#)
Filer: Dft No. 1 - Forrest O'Connor
Document Number: [60](#)

Docket Text:
Second MOTION to Compel Discovery by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibits 1 - Photo, # (3) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

4:13-cr-40005-KES-1 Notice has been electronically mailed to:

Jack Der Hagopian jack@derhagopianlaw.com, derhagop@sio.midco.net, michelle@derhagopianlaw.com

Jason J. Tupman Jason_Tupman@fd.org, bonnie_woolam@fd.org, jann_brakke@fd.org, lynn_nicolai@fd.org, molly_quinn@fd.org

Thomas J. Wright Thomas.Wright2@usdoj.gov, Janice.Long@usdoj.gov, marlys_bigeagle@usdoj.gov, Patrice.Hink@usdoj.gov, sonia.larson@usdoj.gov, Terri.Mielenz@usdoj.gov

4:13-cr-40005-KES-1 This document must be sent in hard copy to:

Michelle G. Tapken
301 Brazos Street #1603
Austin, TX 78701-4017

IMPORTANT

Any persons listed under the “This document must be sent in hard copy to” section of the receipt will NOT receive electronic notice of the document when it is filed. Those case participants listed in this section who are entitled to service of this document must be manually served copies of the document in accordance with the federal rules of procedure and the local rules of practice of this district court.

The receipt can be printed or saved for future reference.

IMPORTANT

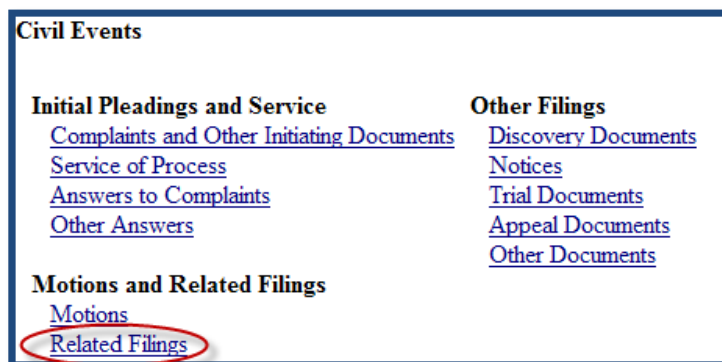
Filers are strongly encouraged to print or save a copy of the receipt when e-filing a sealed sentencing memorandum, a sealed motion for departure, or a sealed motion for variance because you will not otherwise receive electronic notice that the document was filed in CM/ECF. For more information about e-filing these specific types of documents, see the [SEALED DOCKET ENTRIES](#) and the [E-FILING OTHER DOCUMENTS](#) sections of this user manual.

E-FILING OTHER DOCUMENTS

Electronically filing documents other than motions, such as documents related to motions and notices, is similar to electronically filing motions in CM/ECF. For information about filing motions, see the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#) section and the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) section of this user manual.

All documents with a case caption, including memoranda, affidavits, etc., should be e-filed separately so that they create separate docket entries on the docket sheet. In other words, these documents should not be attached to a motion.

The events used for e-filing documents related to a motion are usually found under **Related Filings** on the **Civil Events** menu.



And under **Related Filings** on the **Criminal Events** menu.

Criminal Events

Charging Instruments and Pleas	Other Filings
Plea-Related Documents	Service of Process
	Notices
Motions and Related Filings	Trial Documents
Motions	Appeal Documents
Related Filings	Other Documents
	Writ Events

Events on the **Related Filings** menus allow the filer to “link” the document they are filing to the motion to which it relates on a **Linkage** screen similar to the following:

Related Filings
[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) **CASE CLOSED on 11/17/2014**
 CLOSED, PROSE

Select the appropriate event(s) to which your event relates:

- ☐ 01/03/2013 [3](#) MOTION for Leave to Proceed in forma pauperis by Edward P. Blackcloud. (CMS) *(Terminated)*
- ☐ 01/03/2013 [7](#) MOTION to Appoint Counsel by Edward P. Blackcloud. (CMS) *(Terminated)*
- ☒ 12/06/2015 [12](#) Second MOTION to Compel *Discovery* by Amy Dean. (Attachments: # [1](#) Text of Proposed Order, # [2](#) Exhibit 1 - Photo, # [3](#) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

Next Clear

When electronically filing a document such as a memorandum or an affidavit that is related to a motion that has already been filed in CM/ECF, it is important for the filer to create a link between the two related documents. Prior to ruling on a motion, the court frequently runs a **Pending Motions Report** in CM/ECF. This report includes all of the documents filed in CM/ECF that are linked to a particular pending motion. Linking related documents to a pending motion ensures that the court considers all of the related documents prior to ruling on a pending motion.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party’s sentencing memorandum. However, when a sentencing memorandum contains a motion for departure or a motion for variance it should NOT be e-filed using the **Sealed Sentencing Memorandum** event. Instead, when a sentencing memorandum contains a motion for departure

it should be e-filed using the **Sealed Motion for Departure** event. Similarly, when a sentencing memorandum contains a motion for variance it should be e-filed using the **Sealed Motion for Variance** event. This ensures that such motions appear on the court's **Pending Motions Report** in CM/ECF. For more information about using these specific events, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

Memoranda related to a motion are normally filed in the following sequence:

1. Motion;
2. Memorandum in Support of Motion;
3. Memorandum in Opposition to Motion; and
4. Reply to Motion Response.

When a filer who has electronically filed a motion also files a reply to the motion, the reply should be linked to the original motion and NOT to a response to the original motion. This is so that the reply appears on the court's **Pending Motions Report** in CM/ECF.

Discovery materials, including depositions; interrogatories; requests for documents; requests for admissions; and the answers and responses thereto should NOT be e-filed in CM/ECF.

Additionally, depositions used for the purpose of contradicting or impeaching the testimony of a deponent or witness, should NOT be filed in CM/ECF. Furthermore, Fed. R. Civ. P. 26(a)(1) and (2) materials should NOT be e-filed in CM/ECF unless they are ordered to be filed in CM/ECF by the court. If discovery materials are necessary for the disposition of a motion, only the relevant portions should be attached to a supporting memorandum or affidavit.

IMPORTANT

Contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF if you are unsure about which event to use.

DOCUMENTS E-FILED IN ERROR

Documents can be e-filed in error for any number of reasons. Some of the most common reasons include selecting the wrong event, filing in the wrong case, or attaching the wrong PDF document. When a filer realizes or is told by someone in the Clerk's Office that he or she has filed a document in error he or she may be required to electronically file a notice of filing error. When someone e-files a notice of filing error, a document is not actually filed in CM/ECF. Instead, a notation in the form of a docket entry is added to the docket sheet indicating that a particular previously filed document was filed in error and should be disregarded.

The **Notice of Filing Error** event is located under **Notices** on the **Civil Events** menu.

Notices

Available Events (click to select an event)

Notice
 Notice of Appearance
 Notice of Change of Address
 Notice of Completion of Redaction Review
Notice of Filing Error
 Notice of Lis Pendens
 Notice of Voluntary Dismissal
 Notice of Withdrawal and Substitution of Attorney
 Notice of Withdrawal of Attorney

Selected Event
 Notice of Filing Error

And under **Notices** on the **Criminal Events** menu.

Notices

Available Events (click to select an event)

Deferral of Prosecution
 Joint Notice of Speedy Trial Calculation
 Notice
 Notice of Attorney Appearance - Defendant
 Notice of Attorney Appearance - USA
 Notice of Completion of Redaction Review
Notice of Filing Error
 Notice of Intent to Seek Death Penalty
 Notice of No Objections to Presentence Report

Selected Event
 Notice of Filing Error

The notice of filing error should be restricted if the docket entry for the original document that was filed in error is restricted.

During the process of electronically filing a notice of filing error, the filer will be asked the following question:

Should this Notice be restricted because it relates to a document that is now restricted or because of some other reason?

If the filer answers “no” to this question, the notice of filing error will NOT be restricted and all case participants will receive electronic notice when the notice of filing error is filed.

Following is an example of an *unrestricted* notice of filing error notation on the docket sheet in a case.

NOTICE of Filing Error: [60](#) Motion to Compel was filed in error and should be disregarded. (SST) (Entered: 12/06/2015)

If the filer answers “yes” to the question, and the notice of filing error will be restricted and the filer will be presented with a screen similar to the following:

Notices
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
 on 04/14/2014
 CLOSED

[Collapse All](#) [Expand All](#)

☐ USA [pla]
☐ Forrest O'Connor (T) [dft]
☐ Angelias Zephier (T) [dft]

CAREFULLY select ONLY the parties who should receive this Notice!

Select the Party:

USA [pla]
 O'Connor, Forrest (T) [dft]
 Zephier, Angelias (T) [dft]

The filer should CAREFULLY select ONLY those parties who should receive electronic notice on this screen when the notice of filing error is filed. When a notice of filing error is *restricted*, only case participants selected on this screen will receive electronic notice when the notice of filing error is filed. In addition, the docket entry for the *restricted* Notice of Filing Error will NOT appear on the public docket sheet. It is only visible on the docket sheet to court users and case participants selected on this screen.

Following is an example of a *restricted* notice of filing error notation on the docket sheet in a case.

RESTRICTED NOTICE of Filing Error: [39](#) Ex Parte Motion was filed in error and should be disregarded. (SST). (Entered: 01/27/2016)

For more information about restricted docket entries, see the [RESTRICTED DOCKET ENTRIES](#) section of this user manual.

If appropriate, re-file the incorrectly filed document after the notice of filing error is filed.

IMPORTANT

Filing a notice of filing error does NOT seal the original document that was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document that was filed in error should be sealed because it contains personal data identifiers. Otherwise, if the original document that was filed in error should be sealed, the filer must file a motion to seal it. For information about filing a motion to seal, see the [Motions to Seal and Their Attachments](#) section of this user manual.

IMPORTANT

To avoid selecting the wrong event and having to file a notice of filing error, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document if you are unsure which event to use.

3. OTHER CM/ECF MENU OPTIONS

In addition to the **Civil** menu and the **Criminal** menu options on the blue menu bar in CM/ECF, there are other menu options available in CM/ECF. The following sections describe these other menu options.

QUERY MENU



Clicking on the **Query** menu on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a valid PACER login and password obtained from the PACER Service Center to access case documents and other information stored in CM/ECF. Once logged into PACER, you may incur applicable PACER access fees.

PACER Login

Instructions

Enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>. If you have a CM/ECF filer login and password, and would like to automatically log in to PACER each time you log in as a filer, check the box below.

☐ Make this my default PACER login

After checking this box, you will only need to use your **CM/ECF** login and password, either for electronic filing or for viewing documents via **PACER**.

Authentication	
Login:	<input type="text"/>
Password:	<input type="password"/>
Client code:	<input type="text"/>
<input type="button" value="Login"/>	<input type="button" value="Reset"/>

Notice

An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

IMPORTANT

Search results are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.

To track PACER access fees incurred on behalf of a particular client, you may want to enter a code in the **Client code** box when logging in on this screen. For more information about PACER, see the [PACER](#) section of this user manual.

When you are logged into PACER, you will see the following **Search Clues** screen:

Query

WARNING: Search results from this screen are NOT subject to the 30 page limit on PACER charges. Please be as specific as possible with your search criteria.

Search Clues [Mobile Query](#)

Case Number

or search by

Case Status: ☐ Open ☐ Closed ☐ All

Filed Date to

Last Entry Date to

Nature of Suit

- 110 (Contract: Insurance)
- 120 (Contract: Marine)
- 130 (Contract: Miller Act)

Cause of Action

- 02:0431 (02:431 Fed. Election Commission: Failure Enforce C)
- 02:0437 (02:437 Federal Election Commission)
- 05:0075 (05:75(2) Contract - Reduction in Grade)

Last/Business Name ☐ Exact matches only

First Name Middle Name

Type

Following is an explanation of each of the available search options on the **Search Clues** screen.

- **Case Number:** The number of the last case you queried in the pending CM/ECF session will automatically appear in this field. If you haven't previously queried a case and/or you want to query a different case, type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the number of the case. (There are four digits in the numbers of civil cases and five digits in the numbers of criminal cases.) When you click on **Find This Case**, CM/ECF will check to see if such a case exists. If multiple cases exist with the case number entered, they will all be displayed. Select a case by clicking its associated checkbox. If you click **Hide Case List**, the list will be hidden but will be displayed again if you click **Show Case List**.
- **Case Status:** To find a case based on its status, click the associated status button.
- **Filed Date:** To find a case based on when it was filed, enter beginning and ending dates in these fields.
- **Last Entry Date:** To find a case based on the most recent docket entry, enter beginning and ending dates in these fields.

- **Nature of Suit:** To find a case based on a nature of suit code in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar.
- **Cause of Action:** To find a case based on a cause of action code in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar
- **Last/Business Name:** To find a party (including a business) or an attorney, enter a search string beginning with the first two letters of the party's or the attorney's last name. You can use an asterisk as a substitute for an unknown letter or letters. Jo*s, for example, will return Johnson, Jones, and Joseph. This field is not case sensitive so you can enter either lowercase or uppercase letters.
- **First Name/Middle Name:** These fields only work in conjunction with the Last/Business Name field.
- **Exact Matches Only:** When this box is checked, the query will only return exact matches to the search string entered in the Last/Business Name field.
- **Type:** If you leave this field blank, the query results will include both attorneys and parties. Otherwise, you can select either Attorney or Party from the drop-down list.

When you are finished entering your search criteria, click on **Run Query** at the bottom of the screen.

What displays on the following screen depends on the type of search criteria you entered on the **Search Clues** screen. For example, if you entered a case number and the system contains more than one case with that case number, you will be required to select a specific case from a list of cases on the next screen. When you have finally narrowed your search to one specific case, you will see the following **Query** screen:



Following is an explanation of each of the options available on the **Query** screen.

REMEMBER

If you continue, you may incur applicable PACER access fees.

- **Mobile Query:** Links to an interface that provides limited CM/ECF information from a mobile device. For more information about Mobile Query see [CM/ECF Version 6.1 User Guide for Attorneys](#) available on the district court's website.
- **Alias:** Displays aliases for parties who have aliases.
- **Associated Cases:** Displays a list of associated cases. Click on a case number hyperlink to look at the docket sheet for an associated case.
- **Attorney:** Displays a list of all active and terminated attorneys in the case.
- **Case File Location:** Not used.
- **Case Summary:** Displays summary information for the case.
- **Deadlines/Hearings:** Displays a list of all deadlines and hearings scheduled in the case, sorted according to your specifications. You can select pending deadlines/hearings and/or terminated/satisfied deadlines/hearings. Clicking on a silver ball icon shows you the docket entry when a particular deadline or hearing was set. Clicking on the document number hyperlink associated with the docket entry allows you to look at the document in which the deadline or hearing was set.
- **Docket Report:** Displays the formatted docket sheet with hyperlinks to individual documents. You may have options to look at or download selected documents. See the [Docket Sheet](#) section of this user manual for more information about selecting criteria for running a docket report.

- **Filers:** Displays a list of all filers associated with the case. Clicking on a particular filer's name, displays a list of documents filed by that filer. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you docket information and related docket entries.
- **History/Documents:** Displays a list of all events docketed in the case sorted according to your specifications. You can select all events (history) or Only events with documents. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you the full docket text associated with a docket entry.
- **Party:** Displays a list of active and terminated parties and their attorneys.
- **Related Transactions:** Displays a list of all events docketed in the case sorted according to your specifications. Docket entries that are "linked" to one another are grouped together. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you the full docket text associated with a docket entry and all of its related docket entries.
- **View a Document:** Allows you to look at a document by entering its document number. Also allows you to look at a specific page in the document by entering its PageID #.

REPORTS MENU



Clicking on the **Reports** menu on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a valid PACER login and password obtained from the PACER Service Center to access case documents and other information stored in CM/ECF. Once logged into PACER, you may incur applicable PACER access fees.

PACER Login

Instructions

Enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>. If you have a CM/ECF filer login and password, and would like to automatically log in to PACER each time you log in as a filer, check the box below.

☐ Make this my default PACER login

After checking this box, you will only need to use your **CM/ECF** login and password, either for electronic filing or for viewing documents via **PACER**.

Authentication	
Login:	<input type="text"/>
Password:	<input type="password"/>
Client code:	<input type="text"/>
<input type="button" value="Login"/>	<input type="button" value="Reset"/>

Notice

An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

IMPORTANT

Reports are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.

To track PACER access fees incurred in behalf of a particular client, you may want to enter a code in the **Client code** box when logging in on this screen. For more information about PACER, see the [PACER](#) section of this user manual.

When you are logged into PACER, you will see the following **Reports** screen:

Reports		
Docket Reports	Civil and Criminal Reports	Miscellaneous Reports
Docket Sheet	Calendar Events	Internet Payment History
	Docket Activity	
Civil Reports	Written Opinions	
Civil Cases		
Criminal Reports		
Criminal Cases		

The following sections describe the various reports available on the **Reports** screen.

Docket Sheet

Clicking on **Docket Sheet** takes you to the following screen.

The screenshot shows a web form titled "Docket Sheet". It contains several input fields and checkboxes. At the top is a "Case number" field. Below it are two radio buttons: "Filed" (selected) and "Entered". The "Entered" option is followed by two date input fields separated by "to". Below these are two more date input fields labeled "Documents" followed by "to". Then there are two input fields labeled "Go to Document" and "or PageID". Under the heading "Include:", there are four checkboxes: "Parties and counsel" (checked), "Terminated parties" (checked), "List of member cases" (unchecked), and "Links to Notices of Electronic Filing" (unchecked). To the right, under "Document options:", there are two checkboxes: "Include headers when displaying PDF documents" (checked) and "View multiple documents" (unchecked). Below these is a "Format:" section with two radio buttons: "HTML (unpaginated)" (selected) and "PDF (paginated)". At the bottom left is a "Sort by" dropdown menu currently showing "Oldest date first". At the bottom are three buttons: "Run Report", "Clear", and a checkbox labeled "Make these options my default.".

Following is an explanation of each of the options available on the **Docket Sheet** screen:

- **Case Number:** The number of the last case you queried in the pending CM/ECF session may automatically appear in this field. If you haven't previously queried a case and/or you want to see a docket sheet in a different case, type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the number of the case. (There are four digits in the numbers of civil cases and five digits in the numbers of criminal cases.) When you click on **Find This Case**, CM/ECF will check to see if such a case exists. If multiple cases exist with the case number entered, they will all be displayed. Select a case by clicking its associated checkbox. If you click **Hide Case List**, the list will be hidden but will be displayed again if you click **Show Case List**.
- **Filed/Entered:** To request entries by date, enter beginning and ending dates in these fields.
- **Documents:** To request entries by docket number, enter beginning and ending docket numbers in these fields.
- **Go to Document or Page ID:** Allows you to request a document filed in CM/ECF by entering the document number. Also allows you to request a specific page in the document by entering its PageID #.

- **Parties and counsel:** Check this box to include all parties and their attorneys.
- **Terminated parties:** Check this box to include all terminated parties.
- **List of member cases:** Check this box to include a list of all cases that have been joined or associated with the case such as consolidated cases.
- **Links to Notices of Electronic Filing:** Check this box to be able to look at Notices of Electronic Filing (NEFs). Click on the silver ball icon next to a particular docket entry on the docket sheet to look at the associated NEF.
- **Include headers when displaying PDF documents:** Check this box if you want headers to display on each page of a document you look at. Each header includes the case number, document number, date filed, total number of pages filed, unique PageID # and looks similar to the following:

Case 3:14-cv-03001-CBK Document 14 Filed 09/23/14 Page 1 of 1 PageID #: 85

- **View multiple documents:** Check this box if you want to look at multiple documents on the docket sheet as one document. You will be able to choose either **View Selected** or **Download Selected** documents.
- **Format:** Allows you to choose either an unpaginated (HTML) or paginated (PDF) docket sheet. If you previously selected **View multiple documents**, this option disappears and an HTML (unpaginated) docket sheet will be produced.
- **Sort by:** Allows you to sort the docket entries on the docket sheet by Oldest date first, Most recent date first, or Document number.
- **Make these options my default:** After selecting all of your options, you can click this box so you won't have to reselect the same options the next time you look at a docket sheet. In addition to selecting your options and clicking this box, you *must* click on **Run Report** to save your default selections.

IMPORTANT

When you click on **Run Report** at the bottom of the screen, the docket sheet will be displayed and you are automatically charged applicable PACER access fees to look at the docket sheet.

Use the arrow keys on your computer keyboard or the scroll bar to scroll through the docket sheet. It is recommended that you either print or save the docket sheet at this time.

If you want to look at an actual document listed on the docket sheet, click on the document number hyperlink associated with the document. You will be charged applicable PACER access

fees to access the document. It is recommended that you either print or save the document at this time.

Civil Cases

Enter your search criteria on the following **Civil Cases Report** screen and click on **Run Report** at the bottom of the screen. If you continue, you may incur applicable PACER access fees.

Civil Cases Report

Warning: This report is not subject to the 30 page billing cap.
 You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office	Case type	Nature of suit
Central Division Northern Division	Civil Miscellaneous	110 (Contract: Insurance) 120 (Contract: Marine)
Cause		
02:0431 (02:431 Fed. Election...) 02:0437 (02:437 Federal Elect...)		
Jurisdiction	Case flags	Terminal digit(s)
Diversity Federal Question	APPEAL APPEAL-MAG	2, 4-7
Filed 11/29/2015 to 12/7/2015	JPML number	<input type="checkbox"/> Open cases <input type="checkbox"/> Closed cases
Sort by Case Number		
Output Format		
<input checked="" type="radio"/> Formatted Display		
<input type="radio"/> Data Only		
Run Report Clear <input type="checkbox"/> Make these options my default.		

IMPORTANT

Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Your search results can include civil and/or miscellaneous cases filed in CM/ECF.

Criminal Cases

Enter your search criteria on the following **Criminal Cases Report** screen and click on **Run Report** at the bottom of the screen. If you continue, you may incur applicable PACER access fees.

Criminal Cases Report

Warning: This report is not subject to the 30 page billing cap.
 You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office:

Case types:

Case flags:

Citation:

Count Status: ☒ Pending ☐ Disposed

Include CVB Cases: ☐ Yes ☒ No

Filed: to

Terminal digit(s): 2, 4-7 ☒ Pending defendants
☐ Terminated defendants

Sort by:

Output Format: ☒ Formatted Display
☐ Data Only

☐ Make these options my default.

IMPORTANT

Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Your search results can include criminal and/or magistrate cases filed in CM/ECF.

Calendar Events

Enter your search criteria on the following **Calendar Events Report** screen and click on **Run Report** at the bottom of the screen. There are no fees associated with running this report.

Calendar Events Report

Case number:

Office:

Calendar events:

Nature of suit:

Set: to

☐ Both ☐ AM ☐ PM

Time: ☐ AM ☐ PM

☒ Include docket text ☒ Include closed cases
☒ Display terminated parties

Sort by:

Information appearing on this report includes the date and time of the calendar event, a case number hyperlink, attorneys and their client's role in the case, the docket text for the docket entry setting the calendar event, and a silver ball icon that reveals a **Related Proceedings Report** when clicked.

Docket Activity

Enter your search criteria on the following **Docket Activity Report PUBLIC ACCESS** screen and click on **Run Report** at the bottom of the screen. If you continue, you may incur applicable PACER access fees.

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Docket Activity Report PUBLIC ACCESS

Case number

Office Central Division
Northern Division

Case type Civil
Criminal

Event category Type
adr
adr1

Case flags APPEAL
APPEAL-MAG

☒ Only cases to which I am linked ☐ Open cases
☐ Closed cases

Filed between 12/5/2015 and 12/7/2015 ☒ Summary text
☐ Full docket text

Sort by Case Number

☐ Make these options my default.

IMPORTANT

Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Your search results can be restricted to open and/or closed cases and/or only cases in which you are a participant.

Written Opinions

Enter your search criteria on the following **Written Opinions Report** screen and click on **Run Report** at the bottom of the screen.

Written Opinions Report

Case Number

Last Name First Name Middle Name

Office Northern Division
Central Division

Nature of Suit 110 (Contract: Insurance)
120 (Contract: Marine)

Case Type Civil
Criminal

Cause 02:0431 (02:431 Fed. Election...)
02:0437 (02:437 Federal Elect...)

Case Flags APPEAL
APPEAL-MAG

Filed between 11/6/2015 and 12/7/2015 ☐ Summary text
☒ Full docket text

Sort by Case Number

The **Written Opinions Report** can be run for any time period, but defaults to the last 30 days. This report includes all written opinions (*i.e.*, opinions which cite case law) that were filed during the specified period of time.

IMPORTANT

There are no fees associated with running this report or the opinions listed on this report. However, PACER access fees will apply when viewing a docket sheet associated with an opinion listed on this report.

Internet Payment History

Enter a date range on the **Internet Payment History** screen and click on **Run Report** at the bottom of the screen to display a list of credit card payments you have made using Pay.gov while electronically filing documents in CM/ECF during the specified period of time. There are no fees associated with running this report.

Internet Payment History

From to

☐ Make these options my default.

For more information about Pay.gov, see the [PAY.GOV](#) section of this user manual.

UTILITIES MENU



Clicking on the **Utilities** menu on the blue menu bar in CM/ECF takes you to the following **Utilities** screen.

Utilities

YOUR ACCOUNT	MISCELLANEOUS	SYSTEM ADMIN
ECF Login	Court Information	Review Announcement Notices
Maintain Your Account	Legal Research ...	
Maintain Your E-mail	Mailings...	
Maintain Your Password	Verify a Document	
View Your Transaction Log		
Links to Other Courts		
PACER Case Locator (National Index)		
Change Client Code		
Change Your PACER Login		
Review Billing History		
Show PACER Account		
Remove Default PACER Account		

The following sections describe the most useful options available on this screen:

Maintain Your Account

Registered attorneys can use this option to change the password on their CM/ECF account and/or update the phone number, fax number, and the e-mail addresses on their CM/ECF account.

Approved pro se parties must submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to change the password on their CM/ECF account and/or update phone number, fax number, and the e-mail addresses on their CM/ECF account. Registered attorneys and approved pro se parties must both submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to update their mailing address.

- Registered attorneys can update their e-mail addresses by clicking on **Email information** at the bottom of the screen. For more information about updating e-mail addresses, see the [Maintain Your E-mail](#) section of this user manual.
- Registered attorneys can change their password by clicking on **More user information** at the bottom of the screen. For more information about changing a password, see the [Maintain Your Password](#) section of this user manual.

Maintain Your E-mail

IMPORTANT

Registered attorneys are required to keep the primary and secondary e-mail addresses on their CM/ECF accounts up-to-date.

Registered attorneys can click on this option to change the primary and/or secondary e-mail addresses on their CM/ECF account. Pro se parties must submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to update this information.

The **Email Information** screen is divided into two panes. The left-hand pane includes hyperlinks for the primary and secondary e-mail addresses on the registered attorney's account. Registered attorneys are required to have a primary e-mail address on their CM/ECF account for receiving electronic notice when something is filed in one of their district court cases. Secondary e-mail addresses are optional, but highly recommended.

Click on an e-mail address to modify its configuration options or to delete it. Otherwise, click on the [add new e-mail address](#) hyperlink in the left-hand pane to add a secondary e-mail address to the registered attorney's CM/ECF account. As soon as you type a valid e-mail address in the box that opens up in the right-hand pane, configuration options will populate. These configuration options include the following:

- **Should this e-mail address receive notices?** This option defaults to **Yes** and should be left that way.

- **How should notices be sent to this e-mail address?** This option defaults to **Per Filing**. This means the e-mail recipient will automatically receive a *separate* Notice of Electronic Filing (NEF) e-mail each time a qualified document is filed in one of the registered attorney's district court cases. If the recipient would rather receive a *daily* summary report via e-mail that includes a list of everything that was filed in the registered attorney's cases during the *previous* day, click on **Summary Report**. If you select summary report, you will be asked, **Should this e-mail address receive a "no activity" notice when no summary noticing occurs?** If you answer "Yes," the daily summary report will include a message that says, "no transactions found for this time period" when nothing was filed in any of the registered attorney's district court cases during the previous day.

Secondary e-mail addresses are case sensitive (uppercase and lowercase letters have different meaning) with respect to daily summary reports. A particular secondary e-mail address that is set up to receive a summary report on more than one registered attorney's account will receive a combined summary report if the e-mail address is entered identically (in the same case) on each of the registered attorney's accounts. If the e-mail address is NOT entered identically (in the same case) on each of the registered attorneys' accounts, a separate summary report will be generated for each e-mail address that is set up to receive a summary report. This means that if a secondary e-mail address is entered as jane.doe@usdoj.gov on one registered attorney's account and as Jane.Doe@usdoj.gov on another registered attorney's account and they are both set up to receive summary reports, the system will generate two separate summary reports instead of one combined summary report.

IMPORTANT

When the method of receiving electronic notice for a secondary e-mail address differs from the method of receiving electronic notice for the primary e-mail address on an registered attorney's account (*i.e.*, the primary e-mail address receives a daily summary report and a secondary e-mail address receives notices on a per filing basis, or vice versa), there can be problems. Please contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if there are problems with a primary or secondary e-mail address receiving electronic notice on a registered attorney's CM/ECF account.

- **In what format should notices be sent to this e-mail address?** This option defaults to "HTML." If the e-mail recipient would rather receive text-formatted NEFs, select "Text." (Most people prefer HTML-formatted NEFs.)
- **Should this e-mail address receive general announcement notices from this court?** This option defaults to "Yes." Even if you select "No," please note that your choice can still be overridden when the district court sends out an important e-mail announcement.

The configuration options for a secondary e-mail address also include the following option:

- **Should this e-mail address receive notice for all cases in which this individual is a participant?** (The individual referenced in this question is the CM/ECF registered

attorney.) This option defaults to “Yes.” If the secondary e-mail address should not receive NEFs each time something is filed in all of the registered attorney’s cases, you should select “No.” In the middle portion of the right pane, under **Case-specific options**, using the scroll bar, scroll through the list of cases in the **These cases will be sent notice per filing (default method)** and select only those cases for which the secondary e-mail address recipient should receive NEFs. Hold down the **Ctrl** key to select more than one case.

The most common **Case-specific** configuration options include the following:

- You can add a case so that you will receive an NEF each time a document is filed in the case even if the registered attorney is not a participant in the case by entering the case number in the **Add additional cases for noticing** box in the middle portion of the right-hand pane and clicking on **Find this Case**. Then click on **Add case(s)**.

IMPORTANT

If you receive an NEF for a document filed in a case in which the registered attorney is not a participant, the recipient will be charged PACER access fees to look at the document. The recipient of the NEF will not get a free look at a document filed in a case in which the registered attorney is NOT a case participant.

- If you normally receive a daily summary report, you can receive NEFs on a per filing basis for one or more cases by clicking on the case number or numbers (hold down the **Ctrl** key to select more than one case) in the **These cases will send notice per filing** box in the middle portion of the right-hand pane and clicking on **Change selected cases to per filing**.
- If you normally receive NEFs on a per filing basis, you can receive a daily summary report for one or more cases by clicking on the case number or numbers in the **These cases will send notice as a summary report** box in the middle portion of the right-hand pane and clicking on **Change selected cases to notice as a summary report**.

When you are finished configuring your e-mail options, click on **Submit all changes** in the left-hand pane. Click on **Submit** again on the next screen so that all of your cases are updated. You can click on the **View/Hide case list** hyperlink associated with an e-mail address on the confirmation screen to see a list of cases for which that particular e-mail address will receive electronic notice.

Maintain Your Password

IMPORTANT

Registered attorneys are required to change their password anytime they think it has been compromised.

Registered attorneys can click on this option to change the password on their CM/ECF account. Pro se parties must submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to change this information.

Your password is always hidden and represented by asterisks (*****) in the **Password** box on the **More User Information** screen. To change your password, delete and replace the asterisks in the **Password** box with a new password that consists of a minimum of eight characters, including upper- and lower-case letters and a digit or special character. When you have finished entering your new password, click on **Submit** and your new password will be saved. Make sure to keep a record of your new password.

If you lose or forget your login and/or password, call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual. For security reasons, the Clerk's Office will not release login or password information to anyone other than the registered attorney.

View Your Transaction Log

You can look at a history of your transactions in CM/ECF for a specified period of time by entering a Start Date and an End Date in the **View Transaction Log** utility.

Change Client Code

When you log into PACER, you can enter a client code for billing purposes. You can change the client code any time during a pending CM/ECF session by entering a new client code in the **Change Client Code** utility and clicking on **Submit**. These codes will be reflected on the quarterly billing statement you receive from the PACER Service Center and can be used to track PACER access fees incurred on behalf of particular clients. For more information about PACER, see the [PACER](#) section of this user manual.

Review Billing History

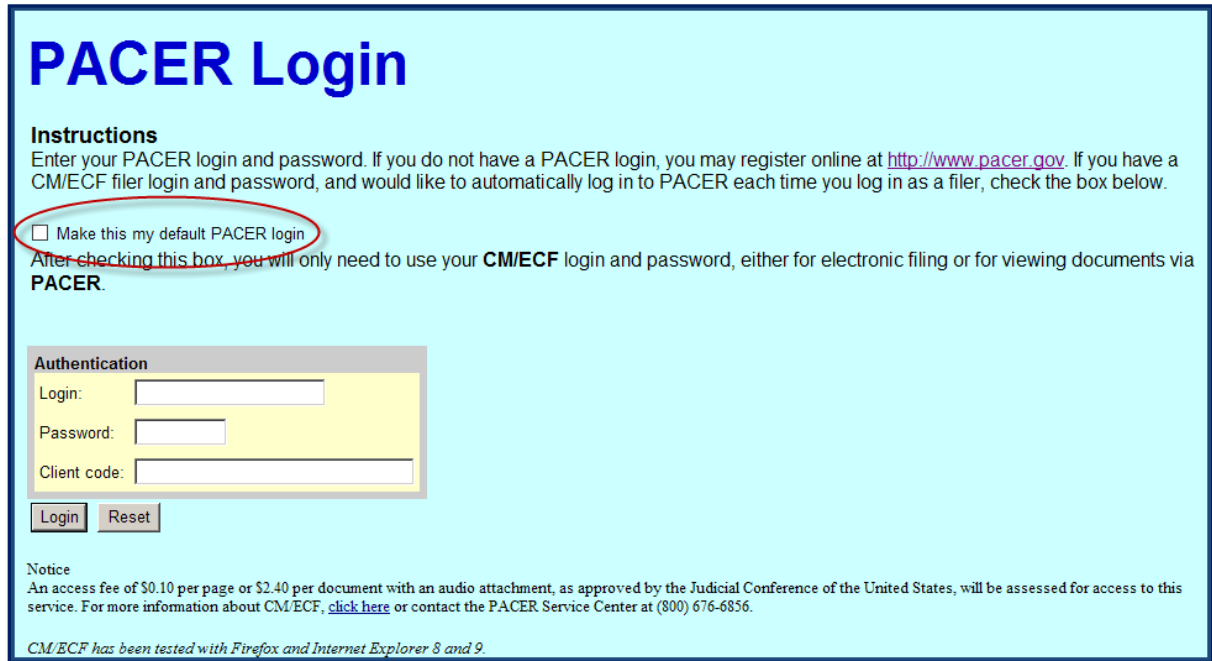
When you click on the **Review Billing History** utility, a new browser window will open and you will be redirected to a **PACER Login** screen where you can log into PACER and search for and review your detailed PACER transactions for up to a three-month period for a specific federal court or for all federal courts. Data will be retrieved and formatted based on options you select. For more information about PACER, see the [PACER](#) section of this user manual.

Show PACER Account

Clicking on the **Show PACER Account** utility will display the PACER account you are currently using during your current CM/ECF session. For more information about PACER, see the [PACER](#) section of this user manual.

Remove Default PACER Account

When logging into PACER, you have an option of checking the **Make this my default PACER login** box on the following PACER Login screen.



PACER Login

Instructions
Enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>. If you have a CM/ECF filer login and password, and would like to automatically log in to PACER each time you log in as a filer, check the box below.

☐ Make this my default PACER login
After checking this box, you will only need to use your **CM/ECF** login and password, either for electronic filing or for viewing documents via PACER.

Authentication

Login:

Password:

Client code:

Login Reset

Notice
An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

When you check this box, your PACER login and password are stored with your CM/ECF account information. All PACER access fees incurred during future CM/ECF sessions will be billed to this PACER account and you will not have to enter your PACER login information each time. You can remove this default association using the **Remove Default PACER Account** utility. For more information about PACER, see the [PACER](#) section of this user manual.

Court Information

The **Court Information** utility displays the following information about the United States District Court in the District of South Dakota:

- Court Details
- Court Location
- Court Offices
- PACER Details
- Flag Definitions

The **Court Information** utility also includes a link to the district court's RSS feed. You must have an RSS feed reader to access the RSS feed. (Most web browsers have a built-in RSS feed reader.) Clicking on the hyperlink for the RSS feed brings up a screen that contains a list of the most recent transmissions to the district court's CM/ECF system. Each entry on the list includes

a case number hyperlink, a document number hyperlink (if there is an associated document), and the name of the event that was used during the transmission. When you click on a case number or document number hyperlink, you will be routed to a **PACER Login** screen. If you continue, you may incur applicable PACER access fees when accessing documents and other case information stored in CM/ECF via the district court's RSS feed. For more information about PACER, see the [PACER](#) section of this user manual.

Legal Research

Clicking on one of the following hyperlinks in the **Legal Research** utility opens a new web browser window for a related non-judiciary website:

- Law Dictionary
- Medical Dictionary
- Westlaw via the Internet
- LexisNexis

Mailings

The **Mailings** utility provides you with the following two options:

- Mailing Info for a Case: After entering a particular case number, the system displays a list of case participants who will receive electronic notice and a separate list of case participants who will require manual service when something is filed in the case.
- Mailing Labels by Case: After entering a particular case number, the system allows you to print mailing labels for the judges and/or attorneys involved in the case.

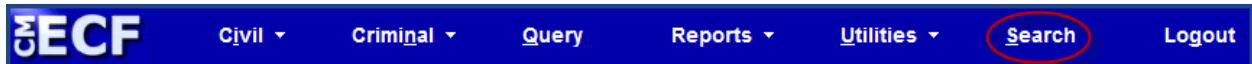
Verify a Document

The **Verify a Document** utility verifies whether or not the electronic "signature" on a document is the same as when the document was filed. If it is different, the document may have been altered.

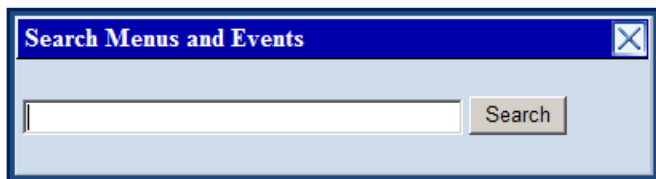
Review Announcement Notices

The **Review Announcement Notices** utility provides a chronological list of reviewable informational announcements that have been e-mailed to public users by this district court in the past.

SEARCH MENU

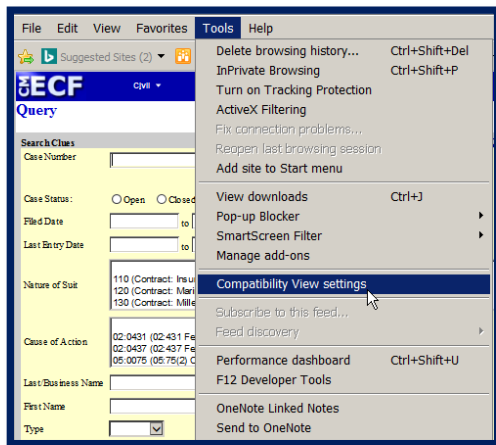


Clicking on the **Search** menu on the blue menu bar in CM/ECF brings up the following search box:

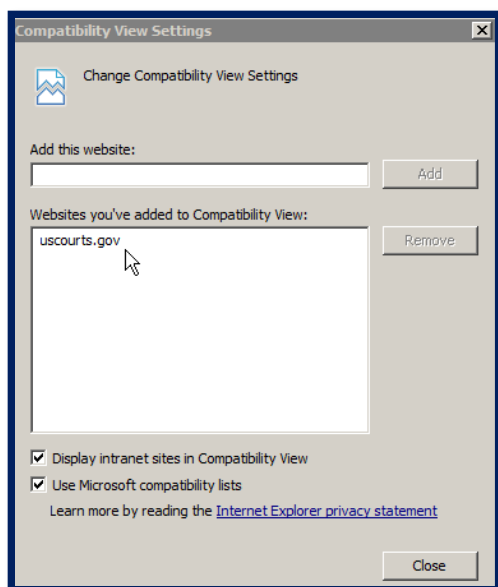


Typing a word or a partial word in the search box brings up a list of hyperlinks for all of the CM/ECF menu items and events that contain the letters entered. Click on one of the hyperlinks to immediately go to that menu item or event.

If you click on the **Search** menu and nothing happens and you are using Internet Explorer (IE), try clicking on **Tools** on your IE toolbar and selecting **Compatibility View Settings**.



When the following **Compatibility View Settings** box opens up, it should say “uscourts.gov” in the **Add this website** box. If it does, click the **Add** button and then click the **Close** button.

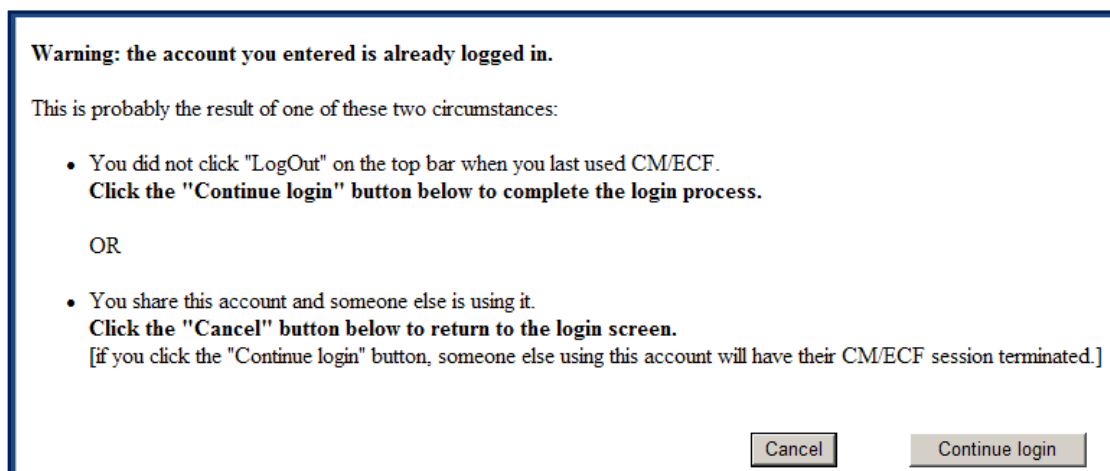


Your screen should refresh and the **Search** menu should now function properly.

LOGOUT



At the end of every CM/ECF session, log out by clicking on **Logout** on the blue menu bar. If you don't log out, you will see the following message the next time you log into CM/ECF.



In this situation, click the **Continue login** button to complete the login process.

4. CM/ECF ASSISTANCE

CLEARING YOUR WEB BROWSER'S CACHE

It is a good idea to periodically clear your web browser's cache (browsing history). The temporary internet files folder (cache) is the location on your computer's hard drive where web pages and files are stored as you view them. This is a good thing because it speeds up the display of pages you frequently visit or have already seen because your web browser can open them from your hard drive instead of having to search for them each time on the internet. This can also be a bad thing, however, when your cache becomes cluttered with too many temporary internet files and it begins to affect your computer's performance.

If you are experiencing computer performance issues when using CM/ECF, try deleting your cache (browsing history) and restarting your web browser.

TROUBLESHOOTING

Following are solutions for some of the most common problems experienced by people using CM/ECF:

Problem	Solution
I can't log into CM/ECF.	Your login and password are case sensitive. Make sure you are typing them correctly.
	If you forget or lose your CM/ECF login and password, call the Clerk's Office for help resetting your password.
I can't file a document because the Civil or Criminal menus are missing on the blue menu bar.	You are logged into PACER, instead of CM/ECF. Log out of PACER, clear your cache, and log back in using your CM/ECF login and password.
I don't know which event to use to file a document.	Refer to the Civil Case Events List and the Criminal Case Events List posted on the district court's website.
	If you still don't know, call the Clerk's Office for help.
I'm having trouble locating the right event.	Try using the Search menu on the blue menu bar.
	If you're still having trouble, call the Clerk's Office for help.
I filed a document in the wrong case.	File a Notice of Filing Error and re-file the document in the correct case.
I filed the wrong document.	File a Notice of Filing Error and re-file the correct document. If the document that was filed in error should be sealed, immediately file a motion to seal.
I was unable to file a document in a timely manner due to a technical issue.	Apply to the court for relief.
I can't view a document from a hyperlink in an NEF.	If the NEF is more than 15 days old, the link has expired. You must log into PACER to look at the document.

Problem	Solution
When I click on a document number hyperlink in an NEF, instead of receiving a free look at the document, I am routed to PACER where I have to pay to look at the document.	You only get one free look at the document. If you previously clicked on the hyperlink, you must pay the PACER access fee to look at the document a second time. It's a good idea to either print or save the document the first time you look at it.
	If you inadvertently double-clicked on the hyperlink, you must pay a PACER access fee to look at the document. Do not double-click on the hyperlink.
I can't view a restricted document from a hyperlink in an NEF.	You must be logged into CM/ECF <u>before</u> you can access a restricted document from an NEF. Log into CM/ECF before clicking on the hyperlink in the NEF.
I can't view a restricted document from a hyperlink in an NEF for free.	Someone else with access to the case participant's login and password has already accessed the restricted document. Only the first person who looks at a restricted document on behalf of an authorized case participant is able to look at the document for free.

If you still have problems using CM/ECF, call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual.

HELP DESK

If you need assistance, the district court's CM/ECF Help Desk is available by telephone at the numbers listed below:

- 605-330-6600 – Sioux Falls from 8 a.m. and 5 p.m. CST.
- 605-945-4600 – Pierre from 8 a.m. and 5 p.m. CST.
- 605-399-6000 – Rapid City from 8 a.m. and 5 p.m. MST.

You can also e-mail the CM/ECF Help Desk for assistance at ecfhelp@sdd.uscourts.gov.

Other CM/ECF resources are also available on the district court's website located at www.sdd.uscourts.gov.

REVISION CONTROL LOG

Date on Cover	Date Posted	Comments	By
12/08/15	02/09/16	New manual	SST
12/15/15	12/15/15	Added Scanning, Best Practices section under Formatting PDF Documents for Filing section; added IMPORTANT notation at end of Filing Other Documents section	SST

Date on Cover	Date Posted	Comments	By
02/18/16	2/22/16	Added Motions for Departure or Variance section under the Sealed Documents section; updated the Restricted Documents section; added paragraph on sentencing memoranda under the Filing Other Documents section; added information on restricted notices of filing error under the Documents Filed in Error section	SST
03/25/16	03/25/16	Added the first NOTE and revised the second NOTE under the Maintain Your E-Mail section; added Revision Control Log	SST
		Added “(or other court order)” to first sentence under Motions for Departure or Variance section	
		Made minor revisions to the Maintain Your Password section	
		Added last sentence to second paragraph under Exhibits and Attachments section	
1/27/17	1/27/17	Added several new sections; renamed several old sections; deleted one section; significantly updated entire manual.	SST
		Added information about filing sentencing memoranda, motions for departure, and motions for variance; transcripts, including public transcripts and restricted transcripts; NextGen; upgrading a PACER account; access level restrictions; requesting a refund of an erroneous Pay.gov payment; and getting the Search menu to function in IE	
1/30/17	1/31/17	Added the second to last paragraph to the Motions to Seal and Their Attachments section. Added the last two paragraphs to the Accessing Restricted Documents section.	SST
2/1/17	2/2/17	Removed last two sentences from the second to last paragraph of the Motions to Seal and Their Attachments section.	SST
		Added the third paragraph to the Events section	SST
4/7/17	4/7/17	Modified format of IMPORTANT/REMINDER messages; modified format of citations to local rules; added Recommended Special Conditions to RESTRICTED DOCUMENTS and Presentence Reports and Bail Reports sections; changed name of Presentence Reports and Bail Reports section to Presentence Reports, Bail Reports, and Recommended Special Conditions section; modified format of phone numbers in Help Desk section; modified Step 2 of instructions for filing a document during multiple transactions in Size of PDF Documents section.	SST